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SC Court of Appeals

THE SOUTH CAROLINA
In The Court Of
Appeals

Case No. 2024-000168

Johnathan Daniels, Appellant.

v.

City of Cayce Respondent,

RECORD ON APPEAL

Johnathan M. Daniels, Appellant, Pro Se
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Columbia, South Carolina 29230
Phone: (803) 770-8863
E-mail: chesssetbyj@yahoo.com

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SC Court of Appeals

Certificate of Appellant

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

June 29th, 2024

Johnathan M. Daniels, Appellant, Pro Se
P.O. Box 30651
Columbia, South Carolina 29230
Phone: (803) 770-8863
Email: chesssetbyj@yahoo.com

The Supreme Court of South Carolina

The State, Respondent,

v.

Johnathan M. Daniels, Appellant.

Appellate Case No. 2022-001598

ORDER

Pursuant Rule 204(a) of the South Carolina Appellate Court Rules, this appeal is hereby transferred to the South Carolina Court of Appeals.

FOR THE COURT

BY Patricia A Howard
CLERK

Columbia, South Carolina
November 18, 2022

cc: Harry A. Hancock, Esquire
Daniel Ernest Peagler, Esquire
Mr. Johnathan M. Daniels

The South Carolina Court of Appeals

Johnathan Daniels, Appellant,

v.

The City of Cayce, Respondent.

Appellate Case No. 2022-001598

ORDER

This appeal arises out of two verbal orders issued by the magistrate court. Because this court lacks jurisdiction, this appeal is dismissed. *See* S.C. Code Ann. § 18-7-10 (2014) ("When a judgment is rendered by a magistrates court . . . the appeal shall be to the circuit court of the county wherein the judgment was rendered . . . ."). The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

FOR THE COURT

Columbia, South Carolina

cc:
Johnathan M. Daniels
Daniel Ernest Peagler, Esquire
Alan McCrory Wilson, Esquire
William M. Blitch, Jr., Esquire

FILED
Nov 29 2022

The South Carolina Court of Appeals

Johnathan Daniels, Appellant,

v.

The City of Cayce, Respondent.

Appellate Case No. 2022-001598

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

C.J.

J.

A.J.

Columbia, South Carolina

cc:
Johnathan M. Daniels
Daniel Ernest Peagler, Esquire
Alan McCrory Wilson, Esquire
William M. Blitch, Jr., Esquire

FILED
Jan 24 2023

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211

1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

March 10, 2023

The Honorable Rachel Stuckey
1800 12th Street
Cayce SC 29033

REMITTITUR

Re: Johnathan Daniels v. The City of Cayce
Lower Court Case No. 20210370007763-7764
Appellate Case No. 2022-001598

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

Jenny A. Kitchings

CLERK

Enclosure

cc: Johnathan M. Daniels
Daniel Ernest Peagler, Esquire
Alan McCrory Wilson, Esquire
William M. Blitch, Jr., Esquire

ELECTRONICALLY FILED - 2023 Dec 29 11:26 AM - LEXINGTON - COMMON PLEAS - CASE#2023CP3202817

STATE OF SOUTH CAROLINA COUNTY OF LEXINGTON	IN THE COURT OF COMMON PLEAS ELEVENTH JUDICIAL CIRCUIT
Johnathan Daniels, Appellant vs. City of Cayce, Respondent.	Civil Action No.: 2023-CP-32-02817 **ORDER DISMISSING APPEAL**

RECEIVED
Feb 07 2024
S.C. SUPREME COURT

This matter is before the Court on Respondent City of Cayce's Motion to Dismiss the appeal of Appellant from the City of Cayce Municipal Court. Respondent's Motion was made pursuant to Rule 12(b)(1) and (6), SCRCP, which are applicable to this action by reason of Rule 74, SCRCP, and on the general grounds of lack of jurisdiction over the subject matter and failure to state facts sufficient to state a cause of action for appeal.

A hearing was held on November 28, 2023. Present on behalf of Respondent City of Cayce was Danny Calvert Crowe, Esq. and Appellant Johnathan Daniels appeared *pro se*. After hearing the arguments and motions made by both parties, for the reasons below, this court dismisses the appeal for lack of jurisdiction.

This action is not properly an appeal "from the sentence or judgment of the municipal court," as required by S.C. Code § 14-25-95 ("Appeals to Court of Common Pleas; procedures and time limits."). Rather, this is an appeal from the denial of Appellant's pre-trial motion to "quash" and Appellant's pre-trial motion to dismiss and from the grant of a pre-trial motion in limine for the City. Appellant's Notice of Criminal appeal describes this action as an "interlocutory appeal."

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Further, this action is untimely and violates the time limit for appeal as provided by S.C. Code § 14-25-95 ("Appeals to Court of Common Pleas; procedures and time limits."). It appears on the face of Appellant's appeal pleading that Appellant's action challenging the 2021 and 2022 Municipal Court rulings on the motions was dismissed by the Court of Appeals with remittitur to the Municipal Court on March 10, 2023, and was not commenced in this Court until July 27, 2023. Appellant's proof of service of his appeal pleading for this action indicates service on the Municipal Court on July 28, 2023, more than 21 months after the 2021 motion rulings, more than nine (9) months after the 2022 motion rulings, and more than four (4) months after the remittitur. S.C. Code § 14-25-95 ("Appeals to Court of Common Pleas; procedures and time limits.") provides for service of the notice of intention to appeal on the municipal court "within ten days after sentence is passed or judgment is rendered, or the appeal is waived." Compliance by Appellant with § 14-25-95 is a subject matter jurisdictional requirement for the circuit court as the reviewing court on a first-level appeal from municipal court.

This Court is unable to discover any material fact or principle of law that has either been overlooked or disregarded. Therefore, there is no basis for granting relief at this stage of the case. For the above stated reasons, this Court lacks subject matter jurisdiction over this appeal. This appeal is therefore DISMISSED.

IT IS SO ORDERED.

_____
Debra R. McCaslin
Circuit Court Judge

December ____, 2023
Lexington, SC

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Lexington Common Pleas

Case Caption: Johnathan Daniels VS City of Cayce

Case Number: 2023CP3202817

Type: Order/Dismissal

So Ordered

Debra R. McCaslin

STATE OF SOUTH CAROLINA COUNTY OF LEXINGTON	)	IN THE COURT OF COMMON PLEAS
STATE (CITY OF CAYCE) VS	)	MUNICIPAL JUDGE'S RETURN OF CRIMINAL APPEAL
JOHNATHAN DANIELS DEFENDANT'S	)	Docket No.: 2023CP3202817

The Attached Papers Comprise the Court Record Which Is Transmitted to the Circuit Court Pursuant to Section 14-25-105 SC Code. Attached are copies of the items which are checked.

- ☐ 1. ☐ Warrant / Or ☐ Ticket. Number: _____
- ☒ 2. Pretrial Motions and Responses:
  - ☐ A) Rule 5 / Brady
  - ☐ B) Motion to Exclude Evidence And/or Testimony
  - ☒ C) Other Motions.
- ☐ 3. Jury List and Jury Selection Record of Strikes, Cause and /or Peremptory.
- ☐ 4. Voir Dire of Jury.
- ☐ 5. Trial Transcript: ☐ Judge's Trial Notes Typed, or ☐ Transcript of Recording Prepared by Appellant and Certified Correct by Magistrate.
- ☐ 6. List of witnesses and summary of their testimony.
- ☐ 7. List of motions, a summary of parties' positions, and court ruling.
- ☐ 8. List of items offered into evidence, a summary of objections and the court's ruling.
- ☐ 9. List of Exhibits Admitted and Copies.
- ☐ 10. Jury Verdict.
- ☐ 12. New Trial Motion Received (Date_____Time_____).
- ☐ 13. Notice of Hearing on Motion.
- ☐ 14. Notice of Denial of Motion.
- ☐ 11. Notice of Intent to Appeal.
- ☒ 12. Other REMITTITUR FROM SOUTH CAROLINA COURT OF APPEALS

Respectfully Submitted,

MUNICIPAL JUDGE

CITY CAYCE STATE SC
AUGUST 11, 2023

ELECTRONICALLY FILED - 2023 Sep 12 3:29 PM - LEXINGTON - COMMON PLEAS - CASE#2023CP3202817

STATE OF SOUTH CAROLINA COUNTY OF LEXINGTON	)	IN THE CIRCUIT COURT
STATE (CITY OF CAYCE)	)	
VS	)	MUNICIPAL JUDGE'S RETURN OF CRIMINAL APPEAL
JOHNATHAN DANIELS PO BOX 30651 COLUMBIA, SC 29230 DEFENDANT'S (ADDRESS)	)	

This matter is on appeal from the Municipal Court of CAYCE, South Carolina, the Honorable, BRYAN S. JEFFRIES, Presiding Judge

The defendant, JOHNATHAN DANIELS was charged with violating S. C. Code Ann. § 56-2-20 AND 56-3-110 which is commonly referred to as NO SOUTH CAROLINA DRIVERS LICENSE 1ST OFFENSE AND DRIVING A VEHICLE NOT REGISTERD, on JULY, 22, 2021.

This matter was heard at pre-trial motion on NOVEMBER 7, 2022 and the Notice of Appeal was filed on JULY 27, 2023. The proceedings were (check appropriate box) ☒ recorded electronically. ☐ recorded by a court reporter. ☐ recorded in writing by the judge.

The jury list was prepared pursuant to S. C. Code Ann. (Check appropriate Box) ☒ § 22-2-80. Selection of jury list for a single trial, ☐ § 22-2-90. Selection of jury list for scheduled terms of jury trials, and the Defendant and the State was given an opportunity to exercise peremptory challenges on NA

The State called the following witnesses:

1. NA	6.
2.	7.
3.	8.
4.	9.
5.	10.

A summary of their testimony is attached.

The Defendant called the following witnesses:

1. NA	6.
2.	7.
3.	8.
4.	9.
5.	10.

A summary of their testimony is attached.

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The State made the following Motions:

1. SUPPRESSION OF TESTIMONY WITH REGARDS TO STATE NOT HAVING JURISDICTION OVER DEFENDANT BASED ON HIS RELIGION.
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

A summary of the State's and Defendant's position on each motion and the Court's ruling is attached.

The Defendant made the following Motions:

1. MOTION TO DISMISS FOR LACK OF JURISDICTION OVER DEFENDANT BASED ON HIS RELIGION.
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

A summary of the Defendant's and State's position on each motion and the Court's ruling is attached.

The State offered the following items into evidence:

1. NA
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

The Defendant raised the following objections to the items that the State sought to introduce into evidence:

1. NA
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

A summary of the Defendant's and State's position and the Court's ruling on the objection is attached.

The Defendant offered the following items into evidence:

1. NA
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

ELECTRONICALLY FILED - 2023 Sep 12 3:29 PM - LEXINGTON - COMMON PLEAS - CASE#2023CP3202817

The State raised the following objections to the items that the Defendant sought to introduce into evidence:

1. NA
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

A summary of the State's and Defendant's position and the Court's ruling on the objection is attached.

The Defendant was found guilty of violating S. C. Code Ann. § NA , commonly known as _____ and the Court imposed the following sentence: NA

City of Cayce's motion to suppress was granted. Defendant's motion to dismiss was denied. Defendant filed an appeal of this present decision to the South Carolina Court of Appeals on November 14. 2022 (2022-001598) That court remitted the matter back to the City of Cayce Municipal Court on March 10, 2023.

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STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)

IN THE COURT OF COMMON PLEAS

The State (City of Cayce),

Appellant/Defendant,

vs.

Johnathan Martia Daniels,

Respondent/Plaintiff.

Docket No.: 2023CP3202817

RETURN BY MUNICIPAL JUDGE

Ticket No(s).: 20210370007763
20210370007764

I, Shannon F. Bobertz, being the Municipal Judge for the City of Cayce, County of Lexington, State of South Carolina, do make this *Return of Law and Evidence* in memorandum to the Court of Common Pleas for Lexington County in the above titled case.

Mr. Daniels was issued a summons for No South Carolina Driver's License statute no. §56-01-0020, ticket no. 20210370007763 and No Vehicle Tag statute no. §56-03-0110, ticket no. 20210370007764 on July 7, 2021. Mr. Daniels came to court on October 19, 2021, and the witnesses were sworn in and Mr. Daniels was advised of his rights. At the hearing, prior to entering a plea, Mr. Daniels filed a written *Motion to Quash* (Attachment A). Mr. Daniels argued that the state did not have the right to enact laws that violated his religious freedom, and he argued that S.C. Code Ann. Sec. 1-32-30 states that religion is a valid defense to the charges and that he has notified other courts of this issue. Mr. Daniels argued that his religion and the creation of a corporate person, and his sincerely held beliefs around travel, and liberty and a corporate vs. actual person support his motion to quash the charges. Mr. Daniels argued that strict scrutiny must be applied to the licensing statutes for which he was charged pursuant to S.C. Code Ann. Sec. 1-32-30 and that this statute also requires a compelling state interest. Mr. Daniels indicated he has sent discovery to the City about the creation of a corporate person but that the City had not responded. Mr. Daniels argued that S.C. Code Ann. Sec. 56-3-180 and

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S.C. Code Ann. Sec. 56-1-30 are not laws of general applicability and allow exemptions. For example, he argued, there is an exemption in S.C. Code Ann. Sec. 56-1-30 (3) that any non-resident whose home state or country does not have a license is not required to have a license for 90 days. He also argued that S.C. Code Ann. Sec. 56-3-180 allows special exemptions and that he should be allowed to notify the state of his religious objection and the City has refused to respond. Mr. Daniels argued that he has sincerely held religious beliefs that object to the license and permit statutes and the charges should be quashed.

The Prosecutor, Ernie Peagler, argued that he objected to the motion, that this appeared to be a sovereign citizen motion, that Mr. Daniels is arguing that the state does not have the ability to enact the laws and the motion has no merit.

The motion to quash the charges was denied. Mr. Daniels entered a plea of not guilty for both charges and requested a jury trial.

Respectfully submitted,

Shannon F. Bobertz
Municipal Judge, City of Cayce

Cayce, South Carolina
August 10, 2023

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10/25/2022

Clerk,

- Please file this motion and alert the Court, so that a hearing/ or decision can be made before the trial date in this Case.

- Please stamp and return to me the designated copy in the Pre Paid envelope.

- Service to Prosecutor Peagler is in Cloded here as well.

JD.

ELECTRONICALLY FILED - 2023 Sep 12 3:29 PM - LEXINGTON - COMMON PLEAS - CASE#2023CP3202817

STATE OF SOUTH CAROLINA, PLAINTIFF, VS JOHNATHAN DANIELS, DEFENDANT,	CITY OF CAYCE MUNICIPAL COURT TICKET #'S: 20210370007763-7764 CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I, Johnathan Daniels, hereby certify that on Oct. 25th, 2022, I served copies of Motion to Dismiss, on Daniels F. Peagler, 2 Lavern Jumper Rd. Cayce, SC 29033 by way of U.S. Mail.

Signature John Daniels

Printed Name Johnathan Daniels

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CAYCE MUNICIPAL COURT

OCT 31 2022

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CAYCE, SC 29171

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CAYCE MUNICIPAL COURT
OCT 31 2022

ELECTRONICALLY FILED - 2023 Sep 12 3:29 PM - LEXINGTON - COMMON PLEAS - CASE#2023CP3202817

STATE OF SOUTH CAROLINA,

PLAINTIFF,

VS

JOHNATHAN DANIELS,

DEFENDANT,

CAYCE MUNICIPAL COURT

TICKET #'S: 20210370007763-7764

MOTION TO DISMISS
FOR LACK OF JURISDICTION

Pursuant to Rule 110, South Carolina Rules of Criminal Procedure, the defense in this case respectfully files this Motion To Dismiss For Lack Of Jurisdiction. A non-lawyer movant drafted this motion; therefore, the defense requests that the court extend due patience and give full consideration to the arguments presented.

This motion is only necessary because this court previously erred in ruling against the defense's motion to quash. That erroneous ruling that was timely objected to, as was this courts denial of the defense's motion to reconsider the initial denial. As the court will see outlined and explained below, the state has failed to state a crime or offense, and in this case no crime or violation is even claimed to have occurred; therefore, this court lacks jurisdiction over this matter. Due to previously demonstrated prejudice of the court's officers, it must be said here that the defense is not presenting "sovereign citizen" arguments against the right of the state to require drivers licenses, etc., but rather, that in the application and enforcement of state laws, when viewed in light of the serious burdens imposed on Mr. Daniels' free exercise of religion, as a matter of law, no crime or violation is claimed to have occurred. Therefore, Mr. Daniels objects to being burdened with an unlawfully imposed criminal trial.

This municipal court lacks subject matter jurisdiction for the two regulatory charges in this case, and is moving forward without any jurisdiction whatsoever. The subject matter jurisdiction of a court is fundamental. "Lack of subject matter jurisdiction may not be waived, even by consent of the parties, and should be taken notice of by this Court. It is well-settled that issues related to subject matter jurisdiction may be raised at any time, including for the first time on appeal in this Court." Brown v. State, 343 S.C. 342, 346, 540 S.E.2d 846, 848-49 (2001) (citation omitted). The action of a court, regarding a matter as to

which it has no jurisdiction, is void. State v. Funderburk, 259 S.C. 256, 261, 191 S.E.2d 520, 522 (1972).

Of critical importance, is the fact that the South Carolina state Legislature intends to have ***every*** law of the state subject to a compelling interest test under South Carolina Section 1-32, and intends that no crime or offense shall exist where the law or statute enforced does not comply with the requirements of that section. The two regulatory charges in this case, cannot constitute an offense when considered under the totality of the laws and circumstances, of which this court has already been informed. South Carolina courts have held that the sufficiency of an indictment, "must be viewed with a practical eye; all the surrounding circumstances must be weighed before an accurate determination of whether a defendant was or was not prejudiced can be reached." State v. Adams, 277 S.C. 115, 125, 283 S.E.2d 582, 588 (1981), overruled on other grounds by State v. Torrence, 305 S.C. 45, 406 S.E.2d 315 (1991). "A court must look first to the statutory history, mindful that it is the Legislature, not the court that is responsible for defining a crime under a penal statute. Moreover, courts are bound to construe statutes strictly against the State." See Williams v. State, 306 S.C. 89, 91, 410 S.E.2d 563, 564 (1991) (It is a well-settled rule of statutory construction that penal statutes are strictly construed against the State and in favor of the defendant.). The two unconstitutional-as-enforced regulatory charges against Mr. Daniels in this case are constitutionally and/or statutorily barred, and this municipal court lacks subject matter jurisdiction to conduct matters or impose any sentence related thereto.

The record in this case overwhelmingly demonstrates that the municipal judge and the prosecutor were informed at the earlier motion to quash hearing that Mr. Daniels' lack of regulatory compliance is religiously motivated behavior and that the state's laws allow exemptions that are less restrictive in each instance. The record further demonstrates that Mr. Daniels informed both the municipal judge and the prosecutor of the above circumstances in writing (see motion to quash w/attachments in this case, where this court erroneously ruled against the defense's motion), and verbally at that motion hearing as well.

The state's prosecutor willfully refuses to acknowledge or entertain the possibility that the law demands accommodation of Mr. Daniels' religious practices rather than the persecution of them (as outlined at South Carolina 1-32 and within the state and federal constitutions). Prosecutor Peagler, in spite of the law, is conducting a retaliatory prosecution against Mr. Daniels; he is doing so because Mr. Daniels' exercise of his

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CAYCE MUNICIPAL COURT
OCT 31 2022
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LEXINGTON MUNICIPAL COURT

constitutionally protected rights of religious freedom and liberty remind Mr. Peagler of the conduct of sovereign citizens; "sovereign citizens" are infamous persons and have been a thorn in the side of the state's law enforcement for some time. However, government may neither compel affirmation of a repugnant belief, *Torcaso v. Watkins,* 367 U. S. 488; nor penalize or discriminate against individuals or groups because they hold religious views abhorrent to the authorities, *Fowler v. Rhode Island,* 345 U. S. 67. Mr. Peagler has labeled Mr. Daniels as a sovereign citizen, called him such on many occasions, and seeks to persecute Mr. Daniels for his religious views. Importantly, Mr. Daniels is NOT a sovereign citizen, but simply a devoutly religious man trying to cooperate with the state within the framework of laws that the state's Legislature has created specifically for that purpose.

South Carolina Section 1-32 applies to ***EVERY LAW*** of this state, and it extends even to the "laws of prosecutor Peagler." If prosecutor Peagler is allowed to continue to willfully ignore the clear and unambiguous intent of the Legislature in order to persecute Mr. Daniels, and this court is willing to move forward at his insistence, with no jurisdiction whatsoever, the citizens of this state are in serious trouble. Prosecutor Peagler IS NOT AUTHORIZED by the People to make and enforce his own laws in state courts. Again, I remind this court, "A court must look first to the statutory history, mindful that it is the Legislature, not the court that is responsible for defining a crime under a penal statute. Moreover, courts are bound to construe statutes strictly against the State." See Williams v. State, 306 S.C. 89, 91, 410 S.E.2d 563, 564 (1991) (It is a well-settled rule of statutory construction that penal statutes are strictly construed against the State and in favor of the defendant.).

DETAILED ARGUMENT

Despite the prosecutor's willful disregard of the law, the state Legislature clearly and unambiguously does not intend for Mr. Daniels' religiously motivated conduct to be considered a crime, violation, or offense. South Carolina Section 1-32-30 allows for the citing of a substantial burden on the free exercise of religion as a valid defense to ***ANY*** South Carolina law, regulation, ordinance, rule, or custom. Mr. Daniels has previously notified this court, and many other state officers and agencies that his sincerely held religious beliefs and practices (1) prohibit his participation in corporate franchising schemes in subjugation to the state, (2) prohibit him from representing and/or acting as a

state-created corporate persona in subjugation to the state, and (3) that these religiously based prohibitions prevent his obtaining a state drivers license and vehicle registration. In his defense pertaining to purported violations of traffic laws relating to his driving without a license and having no vehicle registration, Mr. Daniels has repeatedly raised the defense as allowed at South Carolina Section 1-32-30(2). Several other subsidiaries of the state have previously been given notice that it is solely on this religious basis that Mr. Daniels has refused to obtain a drivers license or register his truck, and while ALL others have withdrawn similar charges, City of Cayce refuses to do so.

Importantly, if any misunderstanding exists as to the accuracy of Mr. Daniels' conclusions regarding the existence of a surreptitiously imposed state franchise or state-created corporate persona, the state is culpable for that misunderstanding because the state has refused to disclose requested information to Mr. Daniels. As Mr. Daniels has previously explained to prosecutor Peagler and this court, he is a Sephardic man, a descendent of actual and real Negros exiled from Europe, sent to Africa and later moved back to America from whence they came, now redeemed by God and freed along with the revocation of the Alhambra Decree in 1968, which makes any enslavement of his people illegal going back to before 1400 A.D. Further, Mr. Daniels already has explained that the Holy Scriptures demand that he is obligated to avoid slavery, peonage, bondage, and involuntary servitude in all forms (see King James Bible, Galatians 5:1-7[1] & Romans 3:19[2]). As to the question asked at Galatians 5:7, the answer is: City of Cayce and prosecutor Peagler. Regardless of this court's and Mr. Peagler's disapproval of Mr.

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[1] King James Bible, at Galatians 1-7, which reads, "**1** Stand fast therefore in the liberty wherewith Christ hath made us free, and be not entangled again with the yoke of bondage. **2** Behold, I Paul say unto you, that if ye be circumcised, Christ shall profit you nothing. **3** For I testify again to every man that is circumcised, that he is a debtor to do the whole law. **4** Christ is become of no effect unto you, whosoever of you are justified by the law; ye are fallen from grace. **5** For we through the Spirit wait for the hope of righteousness by faith. **6** For in Jesus Christ neither circumcision availeth any thing, nor uncircumcision; but faith which worketh by love. **7** Ye did run well; who did hinder you that ye should not obey the truth?"

[2] King James Bible, at Romans 3:19, which reads, "19 Now we know that what things soever the law saith, it saith to them who are under the law: that every mouth may be stopped, and all the world may become guilty before God."

Daniels' religious beliefs and practices, the U.S. Supreme Court has already ruled that, "religious beliefs need not be acceptable, logical, consistent, or comprehensible to others in order to merit First Amendment protection." Thomas v. Review Bd. of Ind. Employment Security Div., 450 U. S. 707, 714 (1981). The door of the Free Exercise Clause stands tightly closed against any governmental regulation of religious beliefs as such, Cantwell v. Connecticut, 310 U. S. 296, 310 U. S. 303. Further, the Court held that, "In our Establishment Clause cases we have often stated the principle that the First Amendment forbids an official purpose to disapprove of a particular religion or of religion in general. See, *e. g.*, Board of Ed. of Westside Community Schools (Dist. *66) v.* Mergens, 496 U. S. 226, 248 (1990) (plurality opinion); School Dist. of Grand Rapids *v.* Ball, *473* U. S. 373, 389 (1985); Wallace *v.* Jaffree, 472 U. S. 38, 56 (1985); *Epperson* v. *Arkansas,* 393 U. S. 97, 106-107 (1968); School Dist. of Abington *v.* Schempp, 374 U. S. 203, 225 (1963); Everson *v.* Board of Ed. of Ewing, 330 U. S. 1, 15-16 (1947).

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Mr. Daniels has diligently attempted to prove or disprove the state's franchise and/or corporate interactions involving him through independent research and legally permissible discovery during litigation with the state between 2017, 2018, 2019, 2020, and 2021. In each instance, the state has refused to respond to the discovery requested, and the state's judges have ruled against Mr. Daniels on motions to compel responses from the state. The state has never rebutted or denied Mr. Daniels' affirmed attestations to the state's surreptitious enfranchisement and mischaracterization of Mr. Daniels as a state-created corporate persona. To the contrary, the state has indirectly confirmed that Mr. Daniels is correct in his conclusions, as the state has subsequently nolle prossed many charges in similar cases against Mr. Daniels after he raised his religious objections to being treated as a state-created corporate person. Mr. Daniels has thoroughly investigated the matter and reasonably concluded that through licensing, registration, and other means, the state has treated him and/or intends to treat him, as either a corporate franchisee of the state, or a state-created corporate person.

As explained above, Mr. Daniels cannot comply with the state laws requiring him to use a state drivers license and registration without putting aside his sincerely held religious beliefs, practices, and obligations. It is obvious that the restrictions placed upon

Mr. Daniels' free use of the state's public roads, along with his other rights, result directly from the state's laws and requirements that he (1) register his truck to the state and (2) that he use the public roads only after being granted a state issued drivers license. These requirements and the resulting penalties for noncompliance constitute a very substantial burden on Mr. Daniels' free exercise of religion, and must be done under a compelling interest test, at a minimum (see South Carolina Section 1-32-30); federal guidelines in similar cases require the standard of "strict scrutiny".

South Carolina Section 1-32-30 allows for the raising of a defense to persons whose exercise of religion is substantially burdened by the state and reads, in part (bold added):

"The purposes of this chapter are to:

(1) **restore the compelling interest test as set forth in Wisconsin v. Yoder**, 406 U.S. 205 (1972), and Sherbert v. Verner, 374 U.S. 398 (1963), and to guarantee that a test of compelling state interest will be imposed on all state and local laws and ordinances in all cases in which the free exercise of religion is substantially burdened; and

(2) provide a claim or defense to persons whose exercise of religion is substantially burdened by the State."

Please take notice that South Carolina Sections 1-32-30 and 1-32-40 require that a state burden on religious practice must pass the compelling interest test, which requires said burden to be the least restrictive means of furthering the compelling state interest. Section 1-32-40 states (bold added):

"The State may not substantially burden a person's exercise of religion, **even if the burden results from a rule of general applicability**, unless the State demonstrates that application of the burden to the person is:

(1) in furtherance of a compelling state interest; **and**

(2) **the least restrictive means of furthering that compelling state interest."**

South Carolina Section 1-32-60 applies South Carolina Section 1-32's restrictions on government burdening of religion to **ALL** laws in South Carolina and allows for the granting of exemptions for persons whose exercise of religion is substantially burdened by the State. South Carolina Section 1-32-60 clarifies that South Carolina Section 1-32 applies to ***each and every state and local law, policy or custom***, and reads as follows at item A (bold and underline added):

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"(A) This chapter applies to **all** state and local laws and ordinances **and the implementation of those laws and ordinances, whether statutory or otherwise**, and whether adopted before or after the effective date of this act."

Further, South Carolina Section 1-32-60 addresses the granting of exemptions to prevent unlawful burdening of a person's religion by the state, and reads as follows at item D (bold and underline added):

"(D) Granting state funding, benefits, or exemptions, to the extent permissible under the constitutional provisions enumerated in subsection (C)(1) and (2), does not constitute a violation of this chapter.

As used in this subsection, "granting", with respect to state funding, benefits, or exemptions, does not include the denial of government funding, benefits, or exemptions."

Without waiver[3], and solely for the sake of argument here, Mr. Daniels concedes that the state has a compelling interest in regulating the use of the public roadways. However, in light of the very substantial burdens placed on Mr. Daniels' constitutionally protected free exercise of religion, his property rights, and his right to liberty (travel), the state's methods of regulating his use of public roadways must take the form of the least restrictive means of regulation. **Importantly**, the laws of this state already allow (1) unlicensed drivers to lawfully use the public roads[4], and (2) unregistered vehicles to be operated on public roads. Preference cannot be given to secular conduct and purposes, which are subsequently denied to Mr. Daniels' religiously motivated conduct. Doing so inevitably deters or discourages the exercise of First Amendment rights of religious freedom, and thereby threatens to "produce a result which the State could not command directly." Speiser v. Randall, at 357 U. S. 526. Likewise, to condition the availability of privileges upon Mr. Daniels' willingness to violate a cardinal principle of his religious faith effectively penalizes the free exercise of his constitutional liberties. Id. at 357 U. S. 518. Similar to the denial of exemptions for religious reasons in this case, "to deny an

[3] It is established in strict scrutiny jurisprudence that "a law cannot be regarded as protecting an interest 'of the highest order' ... when it leaves appreciable damage to that supposedly vital interest unprohibited." *Florida Star* v. *B. J. F., supra,* at 541-542 (SCALIA, J., concurring in part and concurring in judgment) (citation omitted). See *Simon & Schuster, Inc.* v. *Members of* N. *Y. State Crime Victims Bd.*, 502 U. S. 105, 119-120 (1991).

[4] See Footnote Above.

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exemption to claimants who engage in certain forms of speech is, in effect, to penalize them for such speech." *Id.* at 357 U. S. 518.

As to the charges in this case, it is NOT the case that the state's requirements imposed upon Mr. Daniels were/are the least restrictive means of furthering a compelling state interest. The state's motor vehicle laws do regulate through means that are less restrictive than those proposed to regulate Mr. Daniels' use of the public roadways. For example, the law requiring vehicle registration is NOT one of general applicability, as there are many exemptions allowed. South Carolina SECTION 56-3-180 allows exemption from the requirement to register a motor vehicle, which may be done by way of special permit, among other ways, and reads as follows:

> "Special permits to operate vehicles otherwise required to be registered and licensed; restrictions.
>
> **The department may issue in writing special permits to operate vehicles otherwise required to be registered and licensed under this chapter when the vehicles do not display the required current license plate or plates or registration cards.** A special permit issued pursuant to this section, shall specify the date on which the permit expires, and must be carried at all times on the vehicle authorized to be operated." - South Carolina SECTION 56-3-180.

The state's laws also regulate in ways that are less restrictive than requiring state driver licenses to operate a private automobile on public roadways. The law requiring driver licenses is NOT one of general applicability, as many exemptions are allowed. South Carolina SECTION 56-1-30 allows several classes of persons an exemption from licensing requirements, and reads in part at item (3):

> "Persons exempt from licensing requirements.
>
> The following persons are exempt from licenses under this chapter:" .....
>
> "(3) **Any nonresident who is at least eighteen years of age and whose home state or country does not require the licensing of operators may operate a motor vehicle for a period of not more than ninety days in any calendar year,** if the motor vehicle is duly registered in the home state or country of the nonresident and a nonresident on active duty in the Armed Services of the United States who has a valid license issued by his home state and the nonresident's spouse or dependent who has a valid license issued by his home state;" - South Carolina SECTION 56-1-30."

Many "generally applicable" laws provide categorical exceptions of one kind or another. Once a legislature has carved out an exemption for a secular group or person, the law is no longer "generally applicable," and thus subject to standards of strict scrutiny.

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As the U.S. Supreme Court opined, "where such a law is not neutral or not of general application, it must undergo the most rigorous of scrutiny: It must be justified by a compelling governmental interest and must be narrowly tailored to advance that interest." Church of the Lukumi Babalu Aye, Inc. v. Hialeah, 508 U.S. 520 (1993).

In *Church of the Lukumi Babalu Aye, Inc. v. Hialeah*, since the challenged ordinance both burdened religious practice and was not generally applicable, the Court applied both the "strict scrutiny" and the "compelling interest" standard to the city's actions, and the ordinance could not pass constitutional muster as enforced. In light of Mr. Daniels' constitutionally protected right to the free exercise of religion, the laws and purported violations presently before this court are due the same level of scrutiny, and do not pass muster because in this case they are being applied and enforced unconstitutionally.

Whereas the Citizen's right to freely travel by automobile may be locally regulated by the state "in the interest of the public safety and welfare", such reasoning does not allow the state's regulating of Mr. Daniels' rights for the purposes of forcing him into adhesion contracts with the state (i.e. bondage), fund raising, tracking his private property, or any other unlawful purpose. Because the state's application of the laws, as applied to Mr. Daniels, do not meet the "compelling interest" standard, an analysis under "strict scrutiny" is not necessary, as the laws at issue would not meet the higher standard as applied.

It is beyond argument that these alternative regulatory means are far less restrictive than those the state seeks to impose on Mr. Daniels. Therefore, no reasonable argument can be made that requiring Mr. Daniels to be bound to a state drivers license and vehicle registration are the least restrictive means of furthering the compelling state interest involved.

All of the above makes (1) the application of the state's drivers license and registration requirements, and (2) the violations charged against Mr. Daniels presently, unconstitutional in effect and enforcement as relates to Mr. Daniels, as an individual person (as required by South Carolina Section 1-32-40, and federal law). The U.S. Supreme Court's interpretations of the state and federal constitutions prohibit any such

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application of state laws, and the Court has found statutes and ordinances void where they unreasonably restrict a constitutionally protected right.

In this case, the statutes in question (SC Title 56-1-30 and 56-3-180) are not generally applicable, and City of Cayce's and prosecutor Peagler's retaliatory prosecution of Mr. Daniels devalues his religious reasons for driving without a license and not registering his truck, judging his religiously motivated reasons as less important than the nonreligious reasons for exemption allowed under the same statutes. Thus, Mr. Daniels' "religious practice is being singled out for discriminatory treatment." Employment Div., Dept. of Human Resources of Ore. *v.* Smith, 494 U. S., at 722, n. 17 (STEVENS, J., concurring in part and concurring in result); *id.*, at 708 (opinion of Burger, C. J.); *United States* v. *Lee,* 455 U. S. 252, 264, n. 3 (1982) (STEVENS, J., concurring in judgment).

Strict enforcement of the state's licensing and registration requirements upon Mr. Daniels clearly does not pass constitutional muster, and very likely makes some parties liable for violations of Mr. Daniels' protected rights.

CONCLUSION

In this case, this court needs only be aware of a few things to come to the conclusion that it is exceeding its jurisdiction in permitting prosecution of these charges against Mr. Daniels.

Firstly, the court must take notice that Mr. Daniels has a sincerely held religious belief or practice that he believes prohibits his participation in the state's licensing and registration schemes. In this case, this condition has already been met by documents, affidavits, and prior testimony presented before the prosecutor and this court in Mr. Daniels' written motion to quash, which was argued and ruled on previously.

Secondly, this court must take notice of South Carolina Chapter 1 Section 32. As courts are considered to know the law, meeting this second condition need not be explained further.

Thirdly, this court must take notice of the exemptions allowed under the law, at South Carolina SECTIONS 56-1-30 and 56-3-180. Here again, as courts are considered to know the law, meeting this third condition need not be explained further.

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Considering all of the above, as is proper in considering the sufficiency of the charges or indictment, the prosecutor has failed to state a crime, and this deprives the court of subject matter jurisdiction. This municipal court cannot take any valid action to further pursue claims that are statutorily and/or constitutionally barred, and an action taken by a court that lacks jurisdiction is a nullity and void.

Based on the known facts of this case, the arguments presented here are certainly meritorious and require this court to take swift action by dismissing the charges and issuing an order directing certain City of Cayce officials to accommodate Johnathan Martia Daniels, as he has been improperly accused by the state due to his lawful use of the public roadways.

NOTICE OF OBJECTION AND APPEAL IN CASE OF DENIAL

The court please take notice that this motion for dismissal involves unlawful suppression of Johnathan Martia Daniels' substantive constitutional rights, therefore an appeal from an adverse ruling on this motion is considered interlocutory and eligible for immediate appeal to the Circuit Court. Respectfully, Mr. Daniels hereby objects to any ruling that denies granting this motion and notifies this court that an appeal will be filed immediately upon receipt of any ruling or order denying the motion. This objection and appeal are intended to execute automatically upon the courts denial and shall stay the matter until a ruling by a higher court is made.

Respectfully Submitted,

Johnathan Martia Daniels,
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Columbia, SC 29230
Chesssetbyj@yahoo.com

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STATE OF SOUTH CAROLINA,

PLAINTIFF,

VS

JOHNATHAN DANIELS,

DEFENDANT,

CITY OF CAYCE MUNICIPAL COURT

TICKET #'S: 20210370007763-7764

MOTION TO QUASH
AND
REQUEST FOR ACCOMMODATION

Pursuant to Rule 110, South Carolina Rules of Criminal Procedure, the defense in this case respectfully files this (1) Motion To Quash and (2) Request For Accommodation.

As the court will see outlined and explained below, the state has failed to state a punishable offense. Importantly, the defense is not presently arguing against the right of the state to require drivers licenses, etc., but rather, that in the application and enforcement of its laws, when viewed in light of the serious burdens imposed on Mr. Daniels' free exercise of religion, the state is acting unlawfully. Based on the facts of this case, the arguments presented here are certainly meritorious and require the court to take swift action by quashing the charges and issuing an order directing certain state officials to accommodate Johnathan Martia Daniels, as he has been improperly accused by the state due to his lawful use of the public roadways.

Herein, the term "state", when used to identify a person or party, shall refer to STATE OF SOUTH CAROLINA, and all of its relevant agents, officers, and/or subsidiaries, including, wherever involved in the matters described herein, CITY OF CAYCE, CITY OF COLUMBIA, S C HIGHWAY PATROL, UNIVERSITY OF S C POLICE, and any other unnamed agent, officer, or subsidiary of STATE OF SOUTH CAROLINA.

This motion was drafted by a non-lawyer movant, therefore, the defense requests that the court extend due patience and give full consideration to the arguments presented.

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IN THE CITY OF CAYCE MUNICIPAL COURT

BRIEF RE:

STATE OF SOUTH CAROLINA

VS

JOHNATHAN DANIELS

Motion To Quash
And Request For Accommodation

Submitted To The Court by Johnathan Martia Daniels,
Compelled Attorney For The Defense

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[1] Hereinafter, "state", when used to identify a person or party, shall refer to "state" as defined on page 1 of this motion.

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Other Authorities:

King James Bible ("KJV"), Galatians 5:1-7[2] & Romans 3:19[3] 4, 9, 10

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[2] King James Bible, at Galatians 1-7, which reads, "**1** Stand fast therefore in the liberty wherewith Christ hath made us free, and be not entangled again with the yoke of bondage. **2** Behold, I Paul say unto you, that if ye be circumcised, Christ shall profit you nothing. **3** For I testify again to every man that is circumcised, that he is a debtor to do the whole law. **4** Christ is become of no effect unto you, whosoever of you are justified by the law; ye are fallen from grace. **5** For we through the Spirit wait for the hope of righteousness by faith. **6** For in Jesus Christ neither circumcision availeth any thing, nor uncircumcision; but faith which worketh by love. **7** Ye did run well; who did hinder you that ye should not obey the truth?"

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Attachment B, attached hereto, is a certified and signed case disposition for a 2018 case brought by the state against Mr. Daniels.....12

Attachment C, attached hereto, is a copy of a discovery request which Mr. Daniels requested from the state in 2017, at Richland County Central Court in Richland County, South Carolina.....11

Attachment D, attached hereto, is a copy of a Motion For Continuance, submitted to the court at Richland County Central Court in Richland County, South Carolina.....11

Attachment E, attached hereto, is a copy of a discovery request which Mr. Daniels requested from the state in 2018, at Olympia Court in Richland County, South Carolina.....11

Attachment F, attached hereto, is a copy of a Motion To Join, submitted to the court at Richland County Central Court in Richland County, South Carolina.....13

Attachment G, attached hereto, is a copy of a Motion To Dismiss, submitted to the court at Richland County Central Court in Richland County, South Carolina.....13

Attachment H, attached hereto, is a copy of a discovery request which Mr. Daniels requested from the state in 2021, at Cayce Municipal Court in Richland County, South Carolina.....11

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(Continued Below)

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STATEMENT OF THE CASE

Written in third person for case of reading by the court.

On July 22nd, 2021, Johnathan Martia Daniels ("Mr. Daniels") was traveling East on 12th Street Extension, near Cayce, South Carolina. Mr. Daniels was traveling in his privately owned truck, a green Ford Ranger pickup. At approximately 2:28 pm, Mr. Daniels was observed by Cayce PSO S. Merritt ("Officer Merritt"), and other PSO's of the City of Cayce Department of Public Safety, traveling without a state authorized vehicle license plate, having instead a private tag on the rear of his privately owned truck. Officer Merritt initiated a traffic stop on Mr. Daniels. Mr. Daniels had no drivers license and no vehicle registration, but did have current insurance coverage on his truck. . Officer Merritt issued Mr. Daniels citations for "Driving Without A License, 1st Offense" and "Vehicle License Violation."

As Mr. Daniels was on his way to court for a mandatory jury strike, he was allowed to proceed to court after being ticketed. Mr. Daniels did appear at the City of Cayce Municipal Court on September 7th, at which time the case was continued to allow Mr. Daniels time to obtain a SC driver license. This motion to quash follows after finding that alternatives to state licensing must be made available to Mr. Daniels

SUMMARY OF THE ARGUMENT

South Carolina Section 1-32-30 allows for the citing of a substantial burden on the free exercise of religion as a valid defense. Mr. Daniels is notifying this court, as he has notified other state courts and state officers in 2017, 2018, 2019, and 2020 that his sincerely held religious beliefs and practices (1) prohibit his participation in corporate franchising schemes in subjugation to the state, (2) prohibit him from acting as a state-created corporate persona in subjugation to the state, and (3) that these religion based prohibitions prevent his obtaining a drivers license and vehicle registration. The state has previously been given notice that it is on this religious basis that Mr. Daniels has refused to obtain a license or register his truck. Mr. Daniels hereby raises the defense as allowed at South Carolina Section 1-32-30(2).

Firstly, if any misunderstanding exists as to the accuracy of Mr. Daniels' conclusions regarding the existence of a surreptitiously imposed state franchise or state-created corporate persona, the state is culpable for that misunderstanding.

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Mr. Daniels has diligently attempted to confirm or disprove the state's franchise and/or corporate interactions involving him through independent research and legally permissible discovery during litigation with the state between 2017, 2018, 2019, 2020, and 2021. In each instance, the state has refused to respond to the discovery requested, and the state's judges have ruled against Mr. Daniels on motions to compel responses. The state has never once rebutted or denied Mr. Daniels' sworn attestations to it's surreptitious enfranchisement and mischaracterization of Mr. Daniels as a state-created corporate person. To the contrary, the state has indirectly confirmed that Mr. Daniels is correct in his conclusions, as the state has subsequently nolle prossed every charge in similar cases against Mr. Daniels after he raised his religious objections to being treated as a state-created corporate person. Mr. Daniels has thoroughly investigated the matter and reasonably concluded that through licensing, registration, and other means, the state has treated him and/or intends to treat him, as either a corporate franchisee of the state, or a state-created corporate person.

In this present case, Mr. Daniels has been cited, charged, and will be put on trial because he uses his unregistered private truck on the public roadways without a state drivers license. As explained above, Mr. Daniels cannot comply with the state law requiring him to use a state drivers license and registration without putting aside his sincerely held religious beliefs, practices, and obligations. It is obvious that the restrictions placed upon Mr. Daniels' free use of the roadways, along with his other rights, result directly from the state's laws and requirements that he (1) register his truck with the state and (2) that he use the public roadways solely in a manner and under the authority of a state issued drivers license. These requirements and the resulting penalties for noncompliance constitute a very substantial burden on Mr. Daniels' free exercise of religion, and must be done under "compelling interest" scrutiny, at a minimum (see South Carolina Section 1-32-30). Federal guidelines in similar cases require the heightened standard of "strict scrutiny".

For the purposes of this case, Mr. Daniels concedes that the state has a compelling interest in regulating of the use of the public roadways. However, in light of the very substantial burdens placed on Mr. Daniels' constitutionally protected free exercise of religion, his property rights, and his right to travel (liberty), the state's methods of regulating his use of public roadways must take the form of the least restrictive means of regulation.

The state does utilize less restrictive means of regulation in some cases. For example, South Carolina Section 56-1-30 (section on driver licensing) permits several classes of persons to be exempted from the licensing requirement, including some persons with

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license in any jurisdiction whatsoever. For a second example, South Carolina Section 56-3-180 (section on vehicle registration) permits some persons to be exempted from the vehicle registration requirement altogether. It is beyond argument that these alternative regulatory means are far less restrictive than those the state seeks to impose on Mr. Daniels. Therefore, no reasonable argument can be made that requiring Mr. Daniels to be bound to a state drivers license and vehicle registration are the least restrictive means of furthering the compelling state interest involved.

All of the above makes the application of the laws and violations charged in this case unconstitutional in effect and enforcement as relates to Mr. Daniels, as an individual person (as required by South Carolina SECTION 1-32-40, and federal law), an deprives the court of jurisdiction. The U.S. Supreme Court's interpretations of the state and federal constitutions prohibit any such application of state laws, and the Court has found statutes and ordinances void where they unreasonably restrict a constitutionally protected right.

The present case against Mr. Daniels is clearly one that does not pass constitutional muster, and only one verdict is possible here. Because both the state and the jury it assembles are bound by constitutional constraints, it is clear and evident that no reasonable jury could return a verdict of "guilty" in this case. No jury can act against the state and federal constitutions. This court should grant this motion to quash the charges, and issue an additional order as requested to ensure state compliance with constitutional requirements concerning Mr. Daniels constitutionally protected rights.

DETAILED ARGUMENT

A. THE COURT SHOULD GRANT THE DEFENSE'S MOTION TO QUASH BECAUSE NO REASONABLE JURY COULD FIND THE DEFENDANT GUILTY WITHOUT UNLAWFULLY AUTHORIZING STATE DEPRIVATION OF CONSTITUTIONALLY PROTECTED RIGHTS UNDER COLOR OF LAW.

1. **South Carolina SECTION 1-32-30(2), allows for the raising of a defense for persons whose exercise of religion is substantially burdened by the State.**

Mr. Daniels hereby raises the defense described at SECTION 1-32-30(2). South Carolina SECTION 1-32-30 allows for the raising of a defense to persons whose exercise of religion is substantially burdened by the State and reads, in part (bold added):

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"The purposes of this chapter are to:

(1) **restore the compelling interest test as set forth in Wisconsin v. Yoder**, 406 U.S. 205 (1972), and Sherbert v. Verner, 374 U.S. 398 (1963), and to guarantee that a test of compelling state interest will be imposed on all state and local laws and ordinances in all cases in which the free exercise of religion is substantially burdened; and

(2) provide a claim or defense to persons whose exercise of religion is substantially burdened by the State."

May the court take notice that South Carolina SECTIONS 1-32-30 and 1-32-40, require that a state burden on religious practice must pass the compelling interest test, and be the least restrictive means of furthering a compelling state interest to wit, SECTION 1-32-40 states (bold added):

"The State may not substantially burden a person's exercise of religion, **even if the burden results from a rule of general applicability**, unless the State demonstrates that application of the burden to the person is:

(1) in furtherance of a compelling state interest; and

(2) the least restrictive means of furthering that compelling state interest."

2. **Mr. Daniels' religious beliefs and practices are sincerely held, and his freedom to exercise his religion has been severely and repeatedly burdened by the state.**

Mr. Daniels' studies of religion, commerce, and law have caused him to determine that it was more likely than not that the state had already/or intends to unlawfully and without disclosure, surreptitiously bind him, a God created Man, to state-created franchises which do not recognize him as a living being obligated to God, but instead seek to recognize him as a corporate person created under the authority and jurisdiction of the state.

The court please recognize that Mr. Daniels' position does not rely on the merits of whether or not he actually had a proper license or registration, or if he was required to observe the the posted speed limit. To the contrary, Mr. Daniels' defense is based on his right to refuse the unlawfully restrictive religious burdens imposed on him by the state. The recognition of the right to such religion based refusal is the intent of South Carolina SECTIONS 1-32-30 and 1-32-40. As Mr. Daniels has affirmed to various state courts, he is duty bound as under Galatians 5:1-6 and Romans 3:19 to avoid slavery, peonage, and involuntary servitude activities. Mr.

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Daniels exists to serve his God exclusively, and cannot volunteer to have the state Lord over him. Having already been freed by Christ, Mr. Daniels is prohibited to return to the yoke of bondage.

More importantly, if Mr. Daniels were to fail to resist the state's claims that he exists under it's jurisdiction as a state-created franchise/corporate person, Mr. Daniels would be at jeopardy of unintentionally forfeiting his blessings. (See AFFIDAVIT AND NOTICE OF FACTS[4], Filed With Motion to Compel (Attachment I) as "Exhibit C" on 8/31/2020, at sworn statement #1 & #5; see AFFIDAVIT AND NOTICE OF FACTS[5], Filed With Motion to Dismiss (Attachment K) on 7/9/2021, at sworn statements #1, #5 & #6; see also "KJV" at Galatians 5:1-6 and Romans 3:19, referenced above).

Mr. Daniels has consistently informed the state's officers, prosecutors and courts that it is his position that the state lacks lawful authority and jurisdiction to demand his compliance with unconstitutionally enforced, unreasonable, and discriminatory regulatory requirements which would deceive him into slavery,

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[4] The court please take notice of the entire contents of "AFFIDAVIT AND NOTICE OF FACTS", filed concurrent with Motion to Compel on Aug. 31, 2020, as "Exhibit C", at City of Cayce Municipal Court, in which Mr. Daniels affirms, "(1). I have a religious obligation, as stated at Galatians 5:1-6, and Romans 3:19 to which I adhere adamantly, and I am duty bound to avoid slavery, peonage, and involuntary servitude at all times and in all forms." and at page labeled "7" where he affirms, "(5). I, Johnathan Martia Daniels have never been willing, and am currently unwilling, to voluntarily act as any type of officer or representative for any undisclosed state created franchise, and unless My agreement and full disclosure is proven, I disagree to be bound to any obligation so created; the state forcing Me to represent an undisclosed franchise over My objection is involuntary servitude and peonage, which are prohibited by law."

[5] The court please take notice of the entire contents of "AFFIDAVIT AND NOTICE OF FACTS", filed concurrent with Motion to Dismiss on July 9th, 2021, at City of Cayce Municipal Court, and particularly at page 7, in which Mr. Daniels affirms, "(1). I have a religious obligation, as stated at Galatians 5:1-6, and Romans 3:19 to which I adhere adamantly, and I am duty bound to avoid slavery, peonage, and involuntary servitude at all times and in all forms." and further at page 8, where he affirms, "(5). I, Johnathan Martia Daniels have never been willing, and am currently unwilling, to voluntarily act as any type of officer or representative for any undisclosed state created franchise, and unless My agreement and full disclosure is proven, I disagree to be bound to any obligation so created; the state forcing Me to represent an undisclosed franchise over My objection is involuntary servitude and peonage, which are prohibited by law."; with his further affirmation at "(6). I, Johnathan Martia Daniels, am litigating this case only out of necessity, and not out of a voluntary desire to do so. If I were to refuse to act, STATE OF SOUTH CAROLINA would use it's laws to attack My personal property, My liberty, and My freedom."

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peonage or involuntary servitude under subjugation to the state (See "Attachment K").

Over the past 5 years of Mr. Daniels inquiring incessantly, the state, nor any agent, officer, or subsidiary of the state, has ever answered or rebutted Mr. Daniels' findings that (1) the state has already/or seeks to enfranchise him unlawfully, without full disclosure, and (2) that the state's licensure and registration requirements are imposed on state-created corporate persons (See "Attachment C", wherein Mr. Daniels has requested discovery from the state in 2017, to which no response was given; See "Attachment D" wherein Mr. Daniels motions for a continuance to give the state more time to respond to his 2017 discovery requests; See "Attachment E", wherein Mr. Daniels has requested discovery from the state in 2018, to which no response was given; See "Attachment F" wherein Mr. Daniels has motioned for dismissal due to the state's refusal to respond to his 2018 discovery requests; See "Attachment G" wherein Mr. Daniels has motioned to join the state's repetitive charges; See "Attachment H", wherein Mr. Daniels has requested discovery from the state in 2020, to which no response was given; See "Attachment I", a Motion to Compel, filed in the City of Cayce Municipal Court on August 31st, 2020, which was denied, wherein discovery was requested to be compelled from the state; See "Attachment J" Motion to Reconsider, filed in the City of Cayce Municipal Court on September 11th, 2020, which was denied, wherein discovery was requested to be compelled from the state).

Beyond the documents referenced in parentheses above, there are numerous additional notices, information requests and discovery requests which Mr. Daniels presented orally, on the records of various state courts between 2017 and present, to which the state refused to answer, refused discovery, and/or ruled against Mr. Daniels in multiple motions to compel responses.

Mr. Daniels has repeatedly informed the state of his religious objections via oral and written notices in 2017, 2018, and again in 2020. Given all this, it is unreasonable that violations of Mr. Daniels' constitutionally protected rights continue to occur due to the numerous instances of arrest and detainment which result from his refusing state licensing and registration. Prior to the present case, the state's response to Mr. Daniels' notices of unreasonable religious burden, has been a refusal to prosecute. Such instances include:

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DATE	ACTION/CHARGES	RESULT
07/01/2017	Charged, Expired Veh. Lic.	Nolle Prosequi - Notice to Officer & Judge.
03/16/2018	Charged, No Veh. Reg.	Nolle Prosequi - Notice to Officer & Judge.
05/02/2018	Not Charged, No Veh. License	Warning.
12/09/2019	Charged, No DL, No Reg. Spding	Pending - Notice to Officer & Judge.
12/24/2019	Not Charged, No Veh. License	Warning.
07/22/2021	Charged, No DL, No Veh. Reg.	Pending - Notice to Officer & Judge.
08/25/2021	Charged, Driving Without License	Pending - Notice to Officer & Judge.

The court please take notice of "Attachment A" & "Attachment B", attached hereto, which are court certified case dispositions.

All of the above is provided for the conscience of the court, should the court find need to determine the validity or sincerity of Mr. Daniels' religious beliefs and practices, however, for purposes such as determining the defense allowed at South Carolina SECTION 1-32-30(2), the Supreme Court has ruled that courts cannot examine the truth or falsity of religious beliefs. See United States v. Ballard, 322 U.S. 78 (1944).

3. **Under the circumstances it was/is reasonable for Mr. Daniels to conclude that the state, without full disclosure, has already/or intends to enfranchise him without disclosure, or to treat him as a state-created corporate person.**

As stated above, Mr. Daniels has researched this matter extensively in furtherance of his religious obligations, and he has determined that the state has already/or intends to unlawfully and without disclosure, surreptitiously bind him, a God created Man, to state-created franchises which do not recognize him as made by God, but instead only recognize him as a corporate person created under the authority and jurisdiction of the state.

During several instances of litigation between 2017 and present, Mr. Daniels has sought legally permissible discovery to confirm or deny his findings and conclusions, but the state has repeatedly refused to cooperate with discovery or otherwise meaningfully answer inquires. Further, Mr. Daniels' many motions to compel discovery have been denied by the state's courts. Importantly, Mr. Daniels' affidavits attesting to his involuntary servitude through an undisclosed franchise or corporate personage have never been answered nor rebutted by the state in any response or at any hearing (See "Attachment I" and "Attachment J").

Further, the defense finds it highly prejudicial, in the nature of an estoppel to the current charges, that after all of the many actions taken to Mr. Daniels' detriment in prior cases, the state has nolle prossed each charge; and, these decisions to nolle

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prosse the charges have occurred very late in litigation, typically right before trial, after putting Mr. Daniels through many court appearances and hundreds of hours of grueling legal research and writing. It is particularly damning that the state has repeatedly dropped the charges, despite the fact that the charges have been administrative in nature (i.e. No Vehicle Registration and No Drivers License), and no defense on the merits was ever presented by Mr. Daniels. A court might be inclined to agree that either (1) Mr. Daniels is within reason to conclude that his findings were correct and that the state had unlawfully enfranchised him and/or is attempting to license him as a state-created corporate person, or (2) that Mr. Daniels' claims of unlawful religious burden were valid.

In any case, the existence of any error in Mr. Daniels' conclusions is the fault of the state, because the state has never informed Mr. Daniels of the reasons for not answering discovery, denying his motions, or the nolle prossed charges.

For these reasons, Mr. Daniels is left with no choice but to take his own findings as the truth. Consequently, Mr. Daniels has refused to obtain a license or registration, as his sincerely held religious beliefs and practices do not allow him to comply with the state's schemes.

4. **The state, through its agents and subsidiaries, has been given several oral and written notices of it's imposition of unreasonable burdens on Mr. Daniels' constitutionally protected right to the free exercise of religion and the state has offered no accommodation, guidance, or relief.**

Mr. Daniels has submitted several notices to the state, in the form of written and oral notices given to state judges and officers, outlining his religious objections to interacting with the state in any corporate/franchise status (See filings in case # 20190370006790-6792, at City of Cayce Municipal Court, including all Affidavits, Motion to Compel, Motion For Reconsideration, and Motion to Dismiss; See also filings at Richland County Central Court including "Attachment "D" which is a Motion For Continuance, "Attachment F" which is a Motion To Join, and "Attachment G" which is a Motion to Dismiss). Further still, Mr. Daniels has given notices orally, on the records of various state courts (including this court), and in conversations with state officers.

Importantly, South Carolina Title 56, the section which creates the legal requirement for drivers licenses and vehicle registration, is void of any guidance directing a course of action to someone subjected to an undue religious burden as a

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result of the statutes provisions.

No accommodation, or guidance as to a process for making a request for accommodation, has ever been given to Mr. Daniels by any state officer or official in regards to the given notices of religious objection. Mr. Daniels has previously inquired of state officers and judges regarding the possibility that a notation be put on the state's records, so that he would not be repeatedly arrested and cited for driving without a license and registration. On more than one occasion, responses given on behalf of the state have informed Mr. Daniels that this is not possible, and that Mr. Daniels' only option was to get a license and register his truck. However, due to his adherence to his religious obligations, Mr. Daniels has refused to do so.

It is not reasonable in any interpretation of the state and federal constitutions, or the decisions of the U.S. Supreme Court, that the state can surreptitiously violate a Citizen's constitutionally protected rights to the free exercise of religion, and other protected rights, in pursuit of roadway regulation.

Further, the state is violating a plethora of laws by not making an accommodation for Mr. Daniels' sincerely held religious beliefs and practices, as well as violating his right to travel. Further still, the state has violated Mr. Daniels property rights without fair compensation.

5. **The means employed by the state in regulating Mr. Daniels' use of the public roadways are contrary to the requirements of the state and federal constitutions and are unlawful.**

In raising the defense allowed under SECTION 1-32-30(2), an examination must be undertaken to determine whether or not (1) the state has a compelling interest in demanding that Mr. Daniels register his truck and that he be licensed to operate an automobile on public roadways, (2) whether the methods employed against Mr. Daniels, as an individual (as required under SECTION 1-32-40) are the least restrictive means of furthering that compelling state interest, and (3) whether the means are reasonable under state and federal constitutional "compelling interest" and "strict scrutiny " analyses.

Mr. Daniels brings to the court's attention the case of *Thompson v. Smith*, decided by the V.A. Supreme Court. Thompson v. Smith, 155 Va. 367 — Va: Supreme Court (1930). Although, not specifically adjudicated in South Carolina, this case is on-point, as it addresses the law and precedent on issues pertaining to the

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present case from a constitutional perspective. The Virginia court's constitutional analysis should limit the scope of argument here, because it is not possible for a court in any one of the united States to lawfully reach a conclusion other than the one espoused by the Virginia Court. The relevant portion reads (bold added):

"The right of a citizen to travel upon the public highway and to transport his property thereon, by horsedrawn carriage, wagon, or automobile, is not a mere privilege which may be permitted or prohibited at will, but a common right which he has under his right to life, liberty and the pursuit of happiness. Under this constitutional guaranty one may. **therefore, under normal conditions, travel at his inclination along the public highways or in public places,** and while conducting himself in an orderly and decent manner, neither interfering with nor disturbing another's rights, he will be protected, not only in his person, but in his safe conduct."

"The exercise of such a common right the city may, under its police power, regulate in the interest of the public safety and welfare; **but it may not arbitrarily or unreasonably prohibit or restrict it, nor may it permit one to exercise it and refuse to permit another of like qualifications, under like conditions and circumstances, to exercise it.**

The regulation of the exercise of the right to drive a private automobile on the streets of the city may be accomplished in part by the city by granting, refusing, and revoking, **under rules of general application,** permits to drive an automobile on its streets; but such permits may not be arbitrarily refused or revoked, or permitted to be held by some and refused to other[s] of like qualifications, under like circumstances and conditions." *Thompson v. Smith*, 155 Va. 367 — Va: Supreme Court (1930).

In *Thompson v. Smith,* the Virginia court held that, "The exercise of such a common right the city may, under its police power, regulate in the interest of the public safety and welfare", therefore Mr. Daniels concedes that a compelling state interest exists regarding the state's need to regulate public roads in the interests of the public safety and welfare. However, it is NOT the case that the state's requirements imposed upon Mr. Daniels were/are the least restrictive means of furthering that compelling state interest. The state's motor vehicle laws do regulate through means that are less restrictive than those proposed to regulate Mr. Daniels' use of the public roadways.

For example, the law requiring vehicle registration is not one of general applicability, as there are many exemptions allowed. South Carolina SECTION 56-3-180 allows exemption from the requirement to register a motor vehicle, which may be done by way of special permit, among other ways, and reads as follows:

> "Special permits to operate vehicles otherwise required to be registered and licensed; restrictions.
>
> **The department may issue in writing special permits to operate vehicles otherwise required to be registered and licensed under this chapter when the vehicles do not display the required current license plate or plates or registration cards.** A special permit issued pursuant to this section, shall specify the date on which the permit expires,

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and must be carried at all times on the vehicle authorized to be operated." - South Carolina SECTION 56-3-180.

The state's laws also regulate in ways that are less restrictive than requiring state drivers licenses to operate a private automobile on public roadways. The law requiring drivers licenses is not one of general applicability, as many exemptions are allowed. South Carolina SECTION 56-1-30 allows several classes of persons an exemption from licensing requirements, and reads in part at item (3):

"Persons exempt from licensing requirements.

The following persons are exempt from licenses under this chapter:" .....

"(3) **Any nonresident who is at least eighteen years of age and whose home state or country does not require the licensing of operators may operate a motor vehicle for a period of not more than ninety days in any calendar year**, if the motor vehicle is duly registered in the home state or country of the nonresident and a nonresident on active duty in the Armed Services of the United States who has a valid license issued by his home state and the nonresident's spouse or dependent who has a valid license issued by his home state;" - South Carolina SECTION 56-1-30."

Many "generally applicable" laws provide categorical exceptions of one kind or another. Once a legislature has carved out an exemption for a secular group or person, the law is no longer "generally applicable," and thus subject to standards of strict scrutiny. As the U.S. Supreme Court opined, "where such a law is not neutral or not of general application, it must undergo the most rigorous of scrutiny: It must be justified by a compelling governmental interest and must be narrowly tailored to advance that interest." Church of the Lukumi Babalu Aye, Inc. v. Hialeah, 508 U.S. 520 (1993).

In *Church of the Lukumi Babalu Aye, Inc. v. Hialeah*, since the challenged ordinance both burdened religious practice and was not generally applicable, the Court applied both the "strict scrutiny" and the "compelling interest" standard to the city's actions, and the ordinance could not pass constitutional muster as enforced. In light of Mr. Daniels' constitutionally protected right to the free exercise of religion, the laws and purported violations presently before this court are due the same level of scrutiny, and do not pass muster because in this case they are being applied and enforced unconstitutionally.

No other governmental interest beyond public safety and welfare is acknowledged by the V.A. Supreme Court in its *Thompson v. Smith* decision. Whereas the Citizen's right to freely travel by automobile may be locally regulated by the state "in the interest of the public safety and welfare", such reasoning does not

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allow the state's regulating of Mr. Daniels' rights for the purposes of forcing him into adhesion contracts with the state, fund raising, tracking his private property, or any other unlawful purpose.

Because the state's application of the laws, as applied to Mr. Daniels, do not meet the "compelling interest" standard, an analysis under "strict scrutiny" is not necessary, as the laws at issue would not meet the higher standard.

6. In light of Mr. Daniels' religious objections, the state has made unlawful attempts to coerce his compliance with an unconstitutional application of the laws.

Importantly, the court please note that, "The right to travel is part of the 'liberty' that a citizen cannot be deprived of without due process of law." Kent v. Dulles, supra, 357 U.S. at 357 U. S. 125.[6]; U.S. v. Laub 385 U.S. 475.

To this day, and subsequent to receiving notices of Mr. Daniels' religious based objections, state officers with knowledge of his objections have made offers to NOT prosecute him for various "crimes", IF Mr. Daniels would comply with the state's licensing and registration requirements sans accommodation. This is an unlawful deprivation of rights under color of law and use of intimidation; further still, it's likely an unlawful abuse of prosecution. The state has unreasonably conditioned Mr. Daniels' religious rights, his property rights, and his right to travel on his willingness to cast aside his sincerely held religious beliefs and practices.

Instead of accommodation or guidance, Mr. Daniels has been threatened with jail and fines, and the frequent stops by various state officers have attempted to intimidate him from freely using the public roadways. The failure by the state to provide accommodation to Mr. Daniels or to offer guidance has resulted in his being essentially denied the freedom to travel on public roadways even though the state does "permit others of like qualifications, under like conditions and circumstances, to travel unmolested"; the sole distinction being Mr. Daniels' religion based refusal to obtain a state drivers license and registration.

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[6] Kent v.Dulles 357 U.S. 125 (1958). The U.S. Supreme Court held that the right to travel is an inherent element of "liberty" that cannot be denied to American citizens. Although the Executive may regulate the travel practices of citizens, by requiring them to obtain valid passports, it may not condition the fulfillment of such requirements with the imposition of rules that abridge basic constitutional notions of liberty, assembly, association, and personal autonomy.

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It is a fact that some officers, prosecutors, and other officials representing the state appear to be totally uninformed of the laws requiring accommodation, as they have given erroneous advice and acted contrary to the law.

Importantly, the court please note that the state's violation of Mr. Daniels' constitutionally protected right to the free exercise of religion (U.S. Constitution, 1st Amendment and South Carolina Constitution Article 1, Section 2) while concurrently violating his property rights (U.S. Constitution, 4th, 5th, & 14th Amendments and South Carolina Constitution Article 1, Sections 3, 10, & 13), and also violating his right to liberty through free travel (U.S. Constitution, 5th & 14th Amendments and South Carolina Constitution Article 1, Section 3) constitutes a "hybrid situation", which empowers federal courts to examine the state's actions under both the "strict scrutiny" and the "compelling interest" standards.

B. NO JURY CAN EMPOWER THE STATE TO ACT CONTRARY TO THE STATE AND/OR FEDERAL CONSTITUTIONS. THE EVIDENCE IN FAVOR OF THE DEFENSE ALLOWED AT SOUTH CAROLINA SECTION 1-32-30(2) IS OVERWHELMING AND UNREBUTTED.

Importantly, the court please note that Mr. Daniels was never, and is not currently, required by law to park his truck and live under a self-imposed ban from travel upon the public roadways. According to the U.S. Supreme Court decision in *Shuttlesworth v. Birmingham,* Mr. Daniels need not wait on the state to come around to realizing that he must be accommodated in these matters. "Persons faced with an unconstitutional licensing law which purports to require a license as a prerequisite to exercise of rights... may ignore the law and engage with impunity in exercise of such right." Shuttlesworth v. Birmingham 394 U.S. 147 (1969).

Further, "If [state] officials construe a vague statute unconstitutionally, the citizen may take them at their word, and act on the assumption that the statute is void." - Shuttlesworth v. Birmingham 394 U.S. 147 (1969). Nonetheless, to avoid arrest and frequent prosecution, Mr. Daniels has been forced to abstain from the free exercise of his rights. In the present case, the laws as generally applied may not be vague, but as construed by officials in application to Mr. Daniels, as an individual (as required by South Carolina Section 1-32-40), the laws are being enforced unconstitutionally, and are therefore void. Mr. Daniels has given notices, requested accommodation, and not been accommodated or offered any guidance

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A jury established and convened under the authority of the state constitution cannot, through any action, empower the state to act contrary to the laws establishing the state and federal governments. Both the state and the jury are bound by the same constitutional constraints.

Therefore, since (1) the free exercise of Mr. Daniels' sincerely held religious beliefs and practices prohibit his participation in the state's drivers license mandates, registration requirements, and/or undisclosed franchising schemes, and (2) Mr. Daniels has given adequate notices to the state of the burdens imposed on his free exercise of religion and requested reasonable accommodation, which was denied or neglected, and (3) since the state is enforcing it's licensing and registration requirements upon him in ways that are unduly burdensome to his free exercise of religion and NOT the least restrictive means of furthering the compelling state interest at issue, then it is a matter of law that no reasonable jury could find him guilty of the charges brought in this case.

Even if everything claimed by the prosecution were true, there exists no reasonable basis for a finding of guilty, or for any grant of relief to the state, as **no jury can approve a thing specifically forbidden by the law.**

C. MR. DANIELS IS SAFE AND COMPETENT IN HIS USE OF AUTOMOBILES AND, AGAIN, SEEKS REASONABLE ACCOMMODATION.

Importantly, Mr. Daniels is safe and competent in his use of automobiles, having previously passed drivers knowledge and skills tests in South Carolina and Texas. Mr. Daniels has previously possessed drivers licenses in both jurisdictions, and is not suspended or barred from obtaining a license in any jurisdiction, whatsoever. Mr. Daniels has been accused of only one moving violation in the last 10 years, and convicted of none. He has had no accidents during that time, and maintains financial responsibility for any liability arising from his use of automobiles.

Here, once again, Mr. Daniels is demanding as a religious accommodation, that the state recognize him as a God created natural person and NOT a corporate person in any interactions between himself and the state, and that his true given name (not a surreptitiously created all-caps, fictional corporate/franchise name) be placed on any and all documents relating to interactions between he and the state.

If the state refuses accommodation as demanded above, Mr. Daniels demands that while living in South Carolina, that (1) he be exempted from the requirement to

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obtain a drivers license in a manner similar to that allowed under South Carolina SECTION 56-1-30(3), and that (2) he be extended a special permit status as allowed under South Carolina SECTION 56-3-180.

THE COURT PLEASE NOTE THAT, Mr. Daniels objects to any form of dismissal of the charges in this case which results in an inconclusive result; as prior dismissals have not prevented continued violation of Mr. Daniels rights, it is necessary to have the issues decided with finality so that both the state and Mr. Daniels can take responsible action to prevent further deprivation of his rights.

D. CONCLUSION

In light of the above, the defense respectfully requests that this court grant this motion to quash.

It is further requested that this court issue an order calculated to authorize and/or inform the appropriate state officials (unknown, but possibly DMV officials) that Mr. Daniels must be recognized as a God created natural person and NOT a corporate person in interactions between himself and the state, and that his true given name (not a surreptitiously created all-caps, fictional corporate/franchise name) must be placed on any and all documents relating to interactions between Mr. Daniels and the state; **or in the alternative**, an order authorizing and informing appropriate state officials (unknown, but possibly DMV officials) that while living in South Carolina, (1) Mr. Daniels must be exempted from the requirement to obtain a drivers license in a manner similar to that allowed under South Carolina SECTION 56-1-30(3), and that (2) Mr. Daniels must be extended a special permit status as allowed under South Carolina SECTION 56-3-180; **or any other such order** that the court finds appropriate.

Respectfully Submitted,

Johnathan Martia Daniels, Compelled Attorney For the Defendant
PO Box 30651
Columbia, SC 29230
Chesssetbyj@yahoo.com

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Central Court

Attachment 11

CASE HISTORY FOR CASE 6102P0332437

State of South Carolina vs Johnathan Daniels

FILED DATE 7/18/2017 | CASE TYPE TR | STATUS Disposed

ASSIGNED JUDGE: Central Court

DISPOSITION JUDGE: Simons, Donald Jeffrey

ARRESTING AGENCY: S C Highway Patrol

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CASE PARTIES:

Defendant Daniels, Johnathan
2701 West Belfort, Houston, TX 77054

Officer Flitter, Christopher M
District #1, 1626 Shop Road, Columbia, SC 29201

Witness Daniels, Jonathan
Po Box 30651, Columbia, SC 29230

CASE HISTORY FOR CASE 6102P0332437

Daniels, Johnathan
2701 West Belfort

Houston, TX 77054

Age: 46
DL#: 14578422

DOB: 9/1/1975
SSN: 000-00-0000

CHARGE		VIOL. DATE	DISPOSITION	DISP. DATE
3243	Traffic Expired vehicle license	7/1/2017	Nolle Prosequi	8 15 2019

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
Charge Traffic / Expired vehicle license				
Fine to General Fund	$0.00	$0.00	$0.00	999
Victim Services Asm 38.0013% / 5.783	0.00	0.00	0.00	999
Law Enforcement Funding Surcharge $	0.00	0.00	0.00	999
State Assessment	0.00	0.00	0.00	999
Total:	$0.00	$0.00	$0.00	

DATE	TIME	EVENT DESCRIPTION
7 25 2017	9:00 AM	Court event: Criminal/Traffic Court
7 25 2017	8:27 AM	Motion/Dismiss
7 25 2017	4:48 PM	Filing recorded: Jury Trial Requested
7 25 2017	12:00 AM	C40LWIDEMA recorded the following Case Note: **********JURY TRIAL REQUESTED **********
10 27 2017	12:00 AM	Filing recorded: Archived Court Summons
11 7 2017	5:02 PM	Motion/Discovery
12 11 2017	8:30 AM	Court event: Criminal/Traffic Jury Trial
12 14 2017	8:30 AM	Court event: Criminal/Traffic Jury Trial Day Certain -ND
12 14 2017	11:48 AM	Filing recorded: Continued/For Both Parties

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7 3 2018	12:00 AM	Filing recorded: Archived Court Summons
8 6 2018	3:34 PM	Filing recorded: Continued/For State
8 6 2018	12:00 AM	C40MMENDOZ recorded the following Case Note: **********Continued from JT for State**********
8 6 2018	8:30 AM	Court event: Criminal/Traffic Jury Trial
2 8 2019	12:00 AM	Filing recorded: Archived Court Summons
2 22 2019	12:00 AM	C40MMENDOZ recorded the following Case Note: rcvd return mail- return to sender- insufficient address- unable to forward-
3 13 2019	11:26 AM	Filing recorded: Continued/For Defense
3 13 2019	9:00 AM	Court event: Criminal/Traffic Jury Trial Roster Meeting
7 31 2019	12:00 AM	Filing recorded: Archived Court Summons
8 15 2019	8:30 AM	Court event: Criminal/Traffic Jury Trial Day Certain
1 6 2021	12:00 AM	C40AHARTSS recorded the following Case Note: Got ahold of the defendant. Mr. Johnathan m Daniels. Mr. Daniels was informed that for his request of two audio recordings from two different court dates will his total pay amount will be $40. Mr. Daniels will be sending in a money order.
1 7 2021	12:00 AM	C40SDASH recorded the following Case Note: certified case history sent to defendant per request. Copy of letter in misc file front desk.

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Print Date 09/20/2021
Print Time: 2:05:12PM
Requested By: C40MREED

CaseHistory.rpt V6.1

Central Court

CASE HISTORY FOR CASE 20182850001504

State of South Carolina vs Johnathan M Daniels

FILED DATE 4/25/2018

CASE TYPE: TR

STATUS Disposed

ASSIGNED JUDGE: Central Court

DISPOSITION JUDGE: Cuff, Harold A.

ARRESTING AGENCY: University Of S C Police Department

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CASE PARTIES:

Defendant Daniels, Johnathan M
2701 West Belfort, Apt 1418, Harris, TX 77054

Officer Cantrell, Julianna C
1415 Henderson Street, Columbia, SC 29208

Witness Daniels, Johnathan M.
P.O. Box 30651, Columbia, SC 29230

CASE HISTORY FOR CASE 20182850001504

Daniels, Johnathan M
2701 West Belfort, Apt 1418

Harris, TX 77054

Age: 46
DL#: 19578422

DOB: 5/1/1975
SSN: 000-00-0000

CHARGE		VIOL. DATE	DISPOSITION	DISP. DATE
2073	Traffic / Operating vehicle on highway without registration and license due to delinquency	3/16/2018	Nolle Prosequi	3/4/2020

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
Charge: Traffic / Operating vehicle on highway without registration and licens				
Fine to General Fund	$0.00	$0.00	$0.00	999
Victim Services Asm 38.0013% / 5.783	0.00	0.00	0.00	999
Law Enforcement Funding Surcharge $	0.00	0.00	0.00	999
State Assessment	0.00	0.00	0.00	999
Total:	$0.00	$0.00	$0.00	

DATE	TIME	EVENT DESCRIPTION
3/16/2018	9:05 AM	Court event: Criminal/Traffic Court
4/11/2018	9:30 AM	Court event: Criminal/Traffic Court
4/11/2018	5:04 PM	Filing recorded: Jury Trial Requested
4/11/2018	12:00 AM	C40CPITTS recorded the following Case Note: ***** Jury Trial Requested *****
4/25/2018	12:00 AM	C40CPITTS recorded the following Case Note: transferred to Central Court for JT division
4/26/2018	12:00 AM	C40SEVANS recorded the following Case Note: Received file from Traffic.
4/26/2018	10:55 AM	Filing recorded: Change of Address Criminal
3/18/2019	12:00 AM	Filing recorded: Archived Court Summons
4/17/2019	1:34 PM	Filing recorded: Continued/For Defense
4/17/2019	1:00 PM	Court event: Criminal/Traffic Jury Trial Roster Meeting

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Print Date: 09/20/2021
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Requested By: C40MREED

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1 3 020	12:00 AM	Filing recorded: Archived Court Summons
3 2 020	8:30 AM	Court event: Criminal/Traffic Jury Trial
3 3 020	8:30 AM	Court event: Criminal/Traffic Jury Trial - ND
1 6 2021	12:00 AM	C40AHARTSS recorded the following Case Note: Got ahold of the defendant, Mr. Johnathan m Daniels. Mr. Daniels was informed that for his request of two audio recordings from two different court dates will his total pay amount will be, $40. Mr. Daniels will be sending in a money order.
1 7 2021	12:00 AM	C40SDASH recorded the following Case Note: certified case history sent to defendant per request. Copy of letter in misc file front desk.

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Attachment C

Flitter
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STATE OF SOUTH CAROLINA,

PLAINTIFF,

VS

JOHNATHAN DANIELS,

DEFENDANT,

RICHLAND COUNTY MAGISTRATE COURT

TICKET # 6102P0332437

MOTION FOR DISCOVERY

Pursuant to Rule 112, South Carolina Rules of Criminal Procedure, Defendant hereby moves the Court to order that Discovery begin in this case. Evidence vital to formulate a defense is needed and sought by right.

Johnathan Martia: Daniels, For the Defendant

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Attachment D

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STATE OF SOUTH CAROLINA, PLAINTIFF, VS JOHNATHAN DANIELS, DEFENDANT,	RICHLAND COUNTY MAGISTRATE COURT TICKET # 6102P0332437 MOTION FOR CONTINUANCE

Pursuant to Rule 110, South Carolina Rules of Criminal Procedure, Defendant hereby requests that this Court grant a continuance, and issue an order demanding that the prosecution respond to Defendant's discovery request or face sanctions. Plaintiff, the State of South Carolina (hereinafter "Plaintiff"), through the inaction of Officer Flitter, has refused to answer discovery requests served upon Plaintiff a month ago. The Plaintiff's has prevented the formation of a defense by refusing to provide information requested by Defendant's Motion for Discovery.

Defendant filed a Motion for Discovery on November 7th, 2017 and served Officer Flitter with a copy of the said motion and specific discovery requests on November 8th, 2017 via Certified First Class U.S. Mail, #7013 1090 0002 0385 0863. Plaintiff received the motion and discovery requests on November 13th, 2017. As of yesterday, there has been no response from anyone on behalf of the Plaintiff. Information vital to the defense was requested and refused by Plaintiff. Granting Defendant's request in this case is justified.

Please note that the natural person, Johnathan Daniels' participation in this forum, on behalf of Defendant is not undertaken willingly, but rather out of necessity, as State of South Carolina, through presumption and fraud would bring charges and impose upon Him if He were to refuse to act.

Respectfully submitted,

Johnathan Martia: Daniels, For the Defendant
P.O. Box 30651
Columbia, South Carolina 29230

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CENTRAL COURT
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STATE OF SOUTH CAROLINA, Plaintiff, vs. JOHNATHAN DANIELS, Defendant	RICHLAND COUNTY MAGISTRATE COURT (OLYMPIA) TICKET # 201828500015004 DEFENDANT'S REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 112, South Carolina Rules of Criminal Procedure, Defendant hereby requests Plaintiff produce for inspection the documents listed below. The documents requested are needed for the Defense in this case, and the request made herein is ongoing; Plaintiff will provide copies of any documents it controls between now and the day of trial. Good faith production of the documents requested is required, otherwise said documents cannot be used against the Defendant in the prosecution of this case. As used herein, "Document" includes any paper, recording, data file, and/or any other means of information recording and/or storage.

Documents Requested:

1. Any document that purports to create Plaintiff ownership of or license to use the DBA/fictitious person "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS" in commerce.
2. Any document that purports to create Plaintiff ownership of or license to use the trademark/service mark "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS" in commerce.
3. Any document that purports to create ANY form of franchise for the DBA/fictitious person "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS".
4. Any document that purports to create citizenship of or for a DBA/fictitious person "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS".
5. Any document that purports to create Citizenship of or for the natural person Johnathan Martia: Daniels.

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6. Any document that purports to disclose details of the existence, operation, and creation of any franchise, under STATE OF SOUTH CAROLINA, to the natural person Johnathan Martia: Daniels.

7. Any document that a natural person, born on the land called South Carolina, can submit to apply for citizenship, or the creation of a franchise, under *STATE OF SOUTH CAROLINA*.

8. Please provide copies of any law that purports to require a non-citizen, natural person to obey franchise legislation, regulations, or rules of STATE OF SOUTH CAROLINA.

Respectfully Requested,

Dated this 8th day of June, 2018

Johnathan Martia: Daniels,
For the Defendant
P.O. Box 30651
Columbia, SC 29230

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Attachment F

STATE OF SOUTH CAROLINA,

PLAINTIFF,

VS

JOHNATHAN DANIELS,

DEFENDANT

RICHLAND COUNTY
MAGISTRATE COURT

TICKET # 201828500015004

MOTION TO JOIN

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Pursuant to Rule 110, South Carolina Rules of Criminal Procedure. Defendant hereby requests that this court join cases presently in litigation between Plaintiff, State of South Carolina (hereinafter "Plaintiff") and Defendant. Prior to the initiation of this instant charge and case (failure to register), Plaintiff had initiated Case # 6102P0332437, which has progressed further; said case having the exact same nature and cause and being based on the same set of facts, and both cases will likely turn on the same facts as well. Further Plaintiff resides in Texas and incurs expense and inconvenience to attend hearings related to both cases.

Please note that the natural person, Johnathan Daniels' participation in this forum, on behalf of Defendant is not undertaken willingly, but rather out of necessity, as State of South Carolina, through presumption and fraud, would bring charges and impose on Him if He were to refuse to act. The current legal status of the truck in question has not changed (as Defendant would appear to knowingly acquiesce to fraud perpetrated by the Plaintiff through registration) and Defendant will prove that registration of the vehicle in question is not a lawful requirement in this case. If proven to be in error, Defendant agrees to pay the highest fine and register the truck immediately.

Respectfully Submitted,

Johnathan Martia: Daniels, For the Defendant
P.O. Box 30651
Columbia, South Carolina 29230

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Attachment G

STATE OF SOUTH CAROLINA, PLAINTIFF, VS JOHNATHAN DANIELS, *DEFENDANT*	)	RICHLAND COUNTY MAGISTRATE COURT TICKET # 201828500015004 MOTION FOR DISMISSAL

COPY

Pursuant to Rule 110, South Carolina Rules of Criminal Procedure. Defendant hereby requests that this court dismiss the charges in this case, with prejudice. Plaintiff, State of South Carolina (hereinafter "Plaintiff"), through the inaction of its officers and agents, namely Officer Cantrell has refused to respond to Defendant's discovery requests. The Defense cannot lawfully be denied the opportunity to formulate a defense by being deprived of discovery.

Defendant requested and was granted discovery at the preliminary hearing at Olympia Court. Plaintiff was represented at the preliminary hearing by Officer Cantrell, and was aware of the request and approval. On June 11th, 2018, Defendant sent to Plaintiff, via Certified U.S. First Class Mail (#7018 0360 0001 0489 8197) a Request for Production of Documents and a Request For Identification of Witnesses. As of April 17th, 2019, there has been no response from the Plaintiff and information vital to the defense has been consequently refused. Further Plaintiff resides in Texas and incurs expense and inconvenience to attend hearings related to this case. In case dismissal is not granted, the case should be continued to allow time for Plaintiff to respond to discovery under threat of sanction.

Please note that the natural person, Johnathan Daniels' participation in this forum, on behalf of Defendant is not undertaken willingly, but rather out of necessity, as State of South Carolina, through presumption and fraud, would bring charges and impose on Him if He were to refuse to act.

Respectfully Submitted,

Johnathan Martial Daniels, For the Defendant
P.O. Box 30651
Columbia, South Carolina 29230

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Attachment H

STATE OF SOUTH CAROLINA, Plaintiff, vs. JOHNATHAN DANIELS, Defendant	CAYCE MUNICIPAL COURT TICKET #'S:20190370006790-6792 DEFENDANT'S REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 112, South Carolina Rules of Criminal Procedure, Defendant hereby requests Plaintiff produce for inspection the documents listed below. The documents requested are needed for the Defense in this case, and the request made here is ongoing; Plaintiff will provide copies of any additional documents it becomes aware of between now and the day of trial. Good faith production of the documents requested is required, otherwise said documents cannot be used against the Defendant in the prosecution of this case.

Documents Requested:

1. Any document in possession of the Plaintiff that purports to create Plaintiff ownership of or license to use the DBA/fictitious person "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS" in commerce.
2. Any document in possession of the Plaintiff that purports to create Plaintiff ownership of or license to use the trademark/service mark "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS" in commerce.
3. Any document in possession of the Plaintiff that purports to create ANY form of franchise for the DBA/fictitious person "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS".
4. Any document in possession of the Plaintiff that purports to create Citizenship of or for a DBA/fictitious person "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS", "JOHNATHAN MARTIA DANIELS".

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5. Any document in possession of the Plaintiff that purports to create Citizenship of or for the natural person Johnathan Martia: Daniels.
6. Any document in possession of the Plaintiff that purports to disclose details of the existence, operation, and creation of any franchise, under STATE OF SOUTH CAROLINA, to the natural person Johnathan Martia: Daniels.
7. Any document in possession of the Plaintiff ("STATE OF SOUTH CAROLINA") that a natural person, born on the land called South Carolina, can submit to apply for citizenship, or the creation of a franchise under STATE OF SOUTH CAROLINA.
8. Please provide copies of any law which purports to require a non-citizen, natural person to obey franchise legislation, regulations, or rules of STATE OF SOUTH CAROLINA.

Respectfully Requested,

Dated this 2nd day of January, 2020

Johnathan Martia: Daniels
For the Defendant

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STATE OF SOUTH CAROLINA, Plaintiff, vs. JOHNATHAN DANIELS, Defendant	CAYCE MUNICIPAL COURT TICKET #'S:20190370006790-6792 DEFENDANT'S REQUEST FOR IDENTIFICATION OF WITNESSES

Pursuant to Rule 112, South Carolina Rules of Criminal Procedure, Defendant hereby requests Plaintiff identify witnesses to be called, or subpoenaed, to testify at trial. The information requested is needed for the Defense in this case, and the request made here is ongoing; Plaintiff will provide information of any additional witnesses it becomes aware of between now and the day of trial. Good faith sharing of the information requested is required, otherwise omitted or "surprise" witnesses cannot be used against the Defendant in the prosecution of this case.

PLEASE IDENTIFY OR DESIGNATE A STATE OF SOUTH CAROLINA REPRESENTATIVE TO TESTIFY AT TRIAL IN REGARDS TO EACH OF THE FOLLOWING MATTERS. THE PERSON DESIGNATED SHOULD BE COMPETENT AND KNOWLEDGEABLE IN, AT LEAST, THE SPECIFIC MATTERS ITEMIZED BELOW. PLEASE IDENTIFY, IN THE SPACE PROVIDED, EACH INDIVIDUAL WHO CAN BE CALLED TO ANSWER EACH QUESTION BELOW:

1. How can a natural person, born on the land called South Carolina become a citizen of STATE OF SOUTH CAROLINA?

   Witness Name_____

   Witness Home Address_____

   Witness Business Address_____

   Witness Home Phone_____ Witness Business Phone_____

2. Does STATE OF SOUTH CAROLINA create franchises for natural persons? If so, what triggers the creation of the franchise?

   Witness Name_____

   Witness Home Address_____

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Witness Business Address_____

Witness Home Phone_____ Witness Business Phone_____

Respectfully Requested,

Dated this 2nd day of January, 2020

Johnathan Martia: Daniels
For the Defendant

Dept. Of Public Safety
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Law Enforcement Division
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Witness Business Address_____

Witness Home Phone_____ Witness Business Phone_____

3. Does STATE OF SOUTH CAROLINA give full disclosure of the creation, operation, and obligations related to state created franchises that create obligations for citizens? If so, by which form or method?

Witness Name_____

Witness Home Address_____

Witness Business Address_____

Witness Home Phone_____ Witness Business Phone_____

4. Is the Defendant charged in this case a natural person or a fictious person?

Witness Name_____

Witness Home Address_____

Witness Business Address_____

Witness Home Phone_____ Witness Business Phone_____

5. Is the Defendant charged in this case a fictious person created through a franchise agreement with STATE OF SOUTH CAROLINA?

Witness Name_____

Witness Home Address_____

Witness Business Address_____

Witness Home Phone_____ Witness Business Phone_____

6. Are non-citizen, natural persons required to obey franchise rules and regulations of STATE OF SOUTH CAROLINA? If so, under what circumstances?

Witness Name_____

Witness Home Address_____

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Attachment 1

STATE OF SOUTH CAROLINA, PLAINTIFF, VS JOHNATHAN DANIELS, DEFENDANT,	CITY OF CAYCE MUNICIPAL COURT TICKET #'S: 20190370006790-6792 MOTION TO COMPEL AND AFFIDAVIT

Pursuant to Rule 110, South Carolina Rules of Criminal Procedure, the defense in this case respectfully presents this motion to compel the prosecution in this case to respond to the attached discovery request. These requests were made prior to the COVID-19 event and were denied by officer Garman on behalf of the state. For the reasons set forth below, the prosecution should be ordered to cooperate fully with the discovery request and to respond in good faith.

In this action, STATE OF SOUTH CAROLINA, hereinafter also referred to as "the state", has named JOHNATHAN M. DANIELS as Defendant in an action for various victimless quasi-crimes. For reasons outlined below, the corporate person, JOHNATHAN M. DANIELS, as a non-living franchise of the state is likely not a proper subject of the state's contractually created duties and obligations. It should be noticed by the court that the natural person Johnathan Martia Daniels has held published common-law copyrights and valid servicemark (s) on the intellectual property "JOHNATHAN MARTIA DANIELS" and several variants, including JOHNATHAN M. DANIELS. As to the state treating the natural person, Johnathan Martia Daniels, as franchise operator or director of a state created JOHNATHAN M. DANIELS franchise, and seeking to enforce contractual obligations on his

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private conduct, no contract exists, and if it does, it was never fully disclosed and agreed to, and is therefore invalid and of no legal force or effect.

This case should turn on whether or not a valid contract exists between STATE OF SOUTH CAROLINA and the natural person, Johnathan Martia Daniels. At law, Johnathan Martia Daniels has possessed commercial interests in the published copyright (s) and servicemark (s) "JOHNATHAN MARTIA DANIELS" and several variants since the beginning of his life; Johnathan Martia Daniels has not contracted these interests away, nor has he knowingly agreed to become a franchise operator or director of any entity subsidiary to STATE OF SOUTH CAROLINA. Further, it is a fact that STATE OF SOUTH CAROLINA was given written notice of Johnathan Martia Daniels' ownership of, and commercial interests in, JOHNATHAN MARTIA DANIELS (and variants) in 2017.

The 13th amendment of the US Constitution, by which STATE OF SOUTH CAROLINA is bound, declares in part, "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

The 14th Amendment of the US Constitution states in part, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The natural person, Johnathan Martia Daniels, is not a willing franchise officer, executive or employee of any franchise in which STATE OF SOUTH CAROLINA has any interest. In the present case, STATE OF SOUTH CAROLINA appears to be engaged in, at the very least, peonage, deprivation of rights, and bills of attainder, all in violation of the abovementioned U.S. amendments as well as the state's own constitution, which declares at Article I, § 2, "Religious freedom; freedom of speech; right of assembly and petition. The

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General Assembly shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the government or any department thereof for a redress of grievances. (1970 (56) 2684; 1971 (57) 315.)"; at § 3, "Privileges and immunities; due process; equal protection of laws, The privileges and immunities of citizens of this State and of the United States under this Constitution shall not be abridged, nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws. (1970 (56) 2684; 1971 (57) 315.)"; and importantly, at § 4. "Attainder; ex post facto laws; impairment of contracts; titles; effect of conviction. No bill of attainder, ex post facto law, law impairing the obligation of contracts, nor law granting any title of nobility or hereditary emolument, shall be passed, and no conviction shall work corruption of blood or forfeiture of estate. (1970 (56) 2684; 1971 (57) 315.)"

"Crimes", such as failure to register, are not stemming from obligations created by a man's being born into the world or his mere existence in it, so it must follow that duties, such as the obligation to register the natural person, Johnathan Martia Daniels', truck to STATE OF SOUTH CAROLINA, are contractually created obligations; no other nexus in law creates the obligation.

The United States Supreme Court, in Brady v Maryland, required the turning over of all exculpatory material, erroring on the side of giving too much disclosure rather than giving too little. The United States Supreme Court explained further, in Kyle's v Whitley, that prosecutors are required to provide discovery of exculpatory information and materials in the possession or control of state agencies that have provided information to the prosecution.

In this present case, state agencies have provided information or materials to the prosecution, essentially witnessing against JOHNATHAN M. DANIELS. Johnathan Martia

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Daniels hopes and prays that officer Garman did not stop him for any unlawful reason, but rather that officer Garman relied on information from peripheral state agencies to investigate and make the decision. In his lawful scope of duties, Officer Garman must be an executor of the state's law and is not authorized to compose private law for the subjugation of private men and women.

It is well settled and accepted that governments do NOT gain jurisdiction over natural men and women by virtue of a man's or woman's mere existence. As the natural person, Johnathan Martia Daniels, had no obligation or liability created by his existence, and there being no evidence of a VALID contract creating such obligation or liability, it is certainly the case that information and material in possession or control of those agencies which provided information to officer Garman will likely be exculpatory, and must be subject to discovery.

Here, Johnathan Martia Daniels has requested (1) evidence as to whether STATE OF SOUTH CAROLINA holds any interests (franchise or otherwise) in the person of "JOHNATHAN M. DANIELS", (2) documents and information relating to any valid and relevant contract between Johnathan Martia Daniels or JOHNATHAN M. DANIELS and STATE OF SOUTH CAROLINA, and (3) the identification of witnesses (whom he intends to question at trial) working for STATE OF SOUTH CAROLINA agencies which have provided information to the prosecution in this case. The evidence requested is most certainly material, and even where such evidence or contract does not exist, STATE OF SOUTH CAROLINA must be required to state that fact on the record. The defense must be allowed access to information which would be exculpatory or reasonably allow the uncovering of exculpatory information, as these cannot be intentionally withheld from the defense.

Officer Garman's refusal to answer specific Brady/Kyles discovery requests related to agencies contributing information or documentation material to the prosecution is unlawful. In discussions with officer Garman, the above was explained, to which officer Garman stated

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that his videos and tickets were, "all I [he] have to give." Contrary to office Garman's reasoning, under the law (including, but not limited to, Brady and Kyles), those few items are not all that he is legally responsible to provide to the defense. The present action is not Garman vs JOHNATHAN M. DANIELS, but rather STATE OF SOUTH CAROLINA VS JOHNATHAN M. DANIELS. The state's records are the subject of discovery, not officer Garman's desk, so it must be that exculpatory evidence in possession of the state is discoverable. As prosecutor, officer Garman is required to provide discovery. The vast machinery of the state has been brought to bear against the liberty of a private individual, so the few questions posed to officer Garman are not onerous.

Due to the contractual nature of the purported obligation to register the natural person, Johnathan Martia Daniels', truck to STATE OF SOUTH CAROLINA, inter alia, the very existence or nonexistence, along with the specific terms of any obligating contract must be discoverable in light of Johnathan Martia Daniels' present attestation of the non-existence of any such purported contract creating obligations (see attached affidavit).

For these reasons, it is believed that this court should compel the prosecution to answer the requested discovery in this case. Alternatively, the prosecution should dismiss the charges altogether. To do otherwise would be contrary to established law and U.S. Supreme Court precedent, as well as prejudice the right to defense beyond the point of invalidating any subsequent trial, conviction, or sentence. Denying discovery of material and relevant contract information as outlined above, makes no sense when the defendant is accused of breaching a term of contract.

As regards officer Garman's labeling the natural person, Johnathan Martia Daniels, as a "soveriegn citizen", and officer Garman's insistence in pursuing this matter while denying the defense's proper discovery requests, the following is most respectfully mentioned for the benefit of the court and City of Cayce. Although a judge may enjoy a nearly impenetrable

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judicial immunity from direct suit and/or prosecution for errors or decisions made while acting as judicial officer, and state officer's directed by a judge may enjoy quasijudicial immunity by extension, municipalities themselves are not immune from suit as regards unconstitutional acts made or established as municipal policy by the conduct or decisions of a judge or judge directed officer; in South Carolina, a municipal judge is a policy maker for the municipality, and when he or she is given proper notice and time to consider, a judge's decision to allow unconstitutional or unlawful deprivations of rights can be considered ratification of illegal policies for which a municipality can be held liable. The above statement is not a quote, but rather a statement reflective of the Johnathan Martia Daniels' personal experiences in U.S. Federal Court. This court is hereby given the required notices and the attached affidavit.

The attached exhibit's (Exhibit A & Exhibit B) are copies of the discovery requests sent to the prosecution in January of 2020, which officer Garman has refused to answer thus far. Exhibit C is an affidavit and notice.

The defense in this matter respectfully requests that the court issue an order directing the prosecution to respond fully and in good faith to the discovery requests previously presented.

Johnathan Martia Daniels, For the Defendant
PO Box 30651
Columbia, SC 29230
Chesssetbyj@yahoo.com

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Exhibit "A"

STATE OF SOUTH CAROLINA,

Plaintiff,

vs.

JOHNATHAN DANIELS,

Defendant

CAYCE MUNICIPAL COURT

TICKET #'S:20190370006790-6792

DEFENDANT'S REQUEST FOR IDENTIFICATION OF WITNESSES

Pursuant to Rule 112, South Carolina Rules of Criminal Procedure, Defendant hereby requests Plaintiff identify witnesses to be called, or subpoenaed, to testify at trial. The information requested is needed for the Defense in this case, and the request made here is ongoing; Plaintiff will provide information of any additional witnesses it becomes aware of between now and the day of trial. Good faith sharing of the information requested is required, otherwise omitted or "surprise" witnesses cannot be used against the Defendant in the prosecution of this case.

PLEASE IDENTIFY OR DESIGNATE A STATE OF SOUTH CAROLINA REPRESENTATIVE TO TESTIFY AT TRIAL IN REGARDS TO EACH OF THE FOLLOWING MATTERS. THE PERSON DESIGNATED SHOULD BE COMPETENT AND KNOWLEDGEABLE IN, AT LEAST, THE SPECIFIC MATTERS ITEMIZED BELOW. PLEASE IDENTIFY, IN THE SPACE PROVIDED, EACH INDIVIDUAL WHO CAN BE CALLED TO ANSWER EACH QUESTION BELOW:

1. How can a natural person, born on the land called South Carolina become a citizen of STATE OF SOUTH CAROLINA?

   Witness Name_____

   Witness Home Address_____

   Witness Business Address_____

   Witness Home Phone_____ Witness Business Phone_____

2. Does STATE OF SOUTH CAROLINA create franchises for natural persons, if so, what triggers the creation of the franchise?

   Witness Name_____

   Witness Home Address_____

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Witness Business Address_____

Witness Home Phone_____ Witness Business Phone_____

3. Does STATE OF SOUTH CAROLINA give full disclosure of the creation, operation, and obligations related to state created franchises that create obligations for citizens? If so, by which form or method?

Witness Name_____

Witness Home Address_____

Witness Business Address_____

Witness Home Phone_____ Witness Business Phone_____

4. Is the Defendant charged in this case a natural person or a fictious person?

Witness Name_____

Witness Home Address_____

Witness Business Address_____

Witness Home Phone_____ Witness Business Phone_____

5. Is the Defendant charged in this case a fictious person created through a franchise agreement with STATE OF SOUTH CAROLINA?

Witness Name_____

Witness Home Address_____

Witness Business Address_____

Witness Home Phone_____ Witness Business Phone_____

6. Are non-citizen, natural persons required to obey franchise rules and regulations of STATE OF SOUTH CAROLINA? If so, under what circumstances?

Witness Name_____

Witness Home Address_____

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Witness Business Address_____

Witness Home Phone_____ Witness Business Phone_____

Respectfully Requested,

Dated this 2nd day of January, 2020

Johnathan Martia: Daniels
For the Defendant

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Exhibit B

STATE OF SOUTH CAROLINA,

Plaintiff,

vs.

JOHNATHAN DANIELS,

Defendant

CAYCE MUNICIPAL COURT

TICKET #'S:2019037000679O-6792

DEFENDANT'S REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 112, South Carolina Rules of Criminal Procedure, Defendant hereby requests Plaintiff produce for inspection the documents listed below. The documents requested are needed for the Defense in this case, and the request made here is ongoing; Plaintiff will provide copies of any additional documents it becomes aware of between now and the day of trial. Good faith production of the documents requested is required, otherwise said documents cannot be used against the Defendant in the prosecution of this case.

Documents Requested:

1. Any document in possession of the Plaintiff that purports to create Plaintiff ownership of or license to use the DBA/fictitious person "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS" in commerce.
2. Any document in possession of the Plaintiff that purports to create Plaintiff ownership of or license to use the trademark/service mark "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS" in commerce.
3. Any document in possession of the Plaintiff that purports to create ANY form of franchise for the DBA/fictitious person "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS".
4. Any document in possession of the Plaintiff that purports to create Citizenship of or for a DBA/fictitious person "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS".

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5. Any document in possession of the Plaintiff that purports to create Citizenship of or for the natural person Johnathan Martia: Daniels.,

6. Any document in possession of the Plaintiff that purports to disclose details of the existence, operation, and creation of any franchise, under STATE OF SOUTH CAROLINA, to the natural person Johnathan Martia: Daniels.

7. Any document in possession of the Plaintiff ("STATE OF SOUTH CAROLINA"; that a natural person, born on the land called South Carolina, can submit to apply for citizenship, or the creation of a franchise under STATE OF SOUTH CAROLINA.

8. Please provide copies of any law which purports to require a non-citizen, natural person to obey franchise legislation, regulations, or rules of STATE OF SOUTH CAROLINA.

Respectfully Requested,

Dated this 2nd day of January, 2020

Johnathan Martia: Daniels
For the Defendant

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Exhibit "C"

AFFIDAVIT AND NOTICE OF FACTS

I, the undersigned, Johnathan Martia Daniels, being over 21 years of age, of sound mind, and able to state the truth of these matters from firsthand knowledge do herby say, state and attest to the following, which are wholly true:

(1). I have a religious obligation, as stated at Galations 5:1-6, and Romans 3:19 to which I adhere adamantly, and I am duty bound to avoid slavery, peonage, and involuntary servitude at all times and in all forms.

(2). I, Johnathan Martia Daniels, hold the sole valid commercial and property interest in "JOHNATHAN MARTIA DANIELS" and its variants, including JOHNATHAN M. DANIELS, as was published and claimed before My birth and later given to Me as My personal property by My Father, Benjamin Daniels Jr.

(3). I, Johnathan Martia Daniels, have neither a license nor a contract which requires that I be licensed by STATE OF SOUTH CAROLINA, nor am I obligated to register My property with STATE OF SOUTH CAROLINA.

(4). I, Johnathan Martia Daniels, deny the existence of any valid contract between Myself and STATE OF SOUTH CAROLINA which creates any obligation on Me whatsoever, and I demand evidence of any such claimed or presumed contract be placed before the court in writing; where specifically denied, no presumption of contract can be binding upon Me without evidence.

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(5). I, Johnathan Martia Daniels have never been willing, and am currently unwilling, to voluntarily act as any type of officer or representative for any undisclosed state created franchise, and unless My agreement and full disclosure is proven, I disagree to be bound to any obligation so created; the state forcing Me to represent a undisclosed franchise over My objection is involuntary servitude and peonage, which are prohibited by law.

(6) I, Johnathan Martia Daniels, am litigating this case only out of necessity, and not out of a voluntary desire to do so. If I were to refuse to act, STATE OF SOUTH CAROLINA would use it's laws to attack My personal property, My liberty, and My freedom.

Further Affiant Sayeth Not

Johnathan: Martia Daniels, Affiant

Jurat
State of South Carolina
County of Richland

Johnathan Martia Daniels, appearing before the undersigned notary and being duly sworn (or affirmed), says that the above statements of fact are true, correct, and not misleading. Sworn to (or affirmed) and subscribed before me this the 24 day of [illegible] 20[illegible]

Official Signature of Notary

(Official Seal)

JAMES B. HOLLISTER NOTARY PUBLIC SOUTH CAROLINA

Notary's Printed Name

My commission expires: [illegible]

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STATE OF SOUTH CAROLINA. PLAINTIFF. VS JOHNATHAN DANIELS. DEFENDANT,	CITY OF CAYCE MUNICIPAL COURT TICKET #'S: 20190370006790-6792 CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I, _____, hereby certify that on _____, 2020. I served copies of _____, on _____ by way of U.S. Mail. tracking number_____.

Signature _____

Printed Name_____

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Attachment J

STATE OF SOUTH CAROLINA, PLAINTIFF, VS JOHNATHAN DANIELS, DEFENDANT,	CITY OF CAYCE MUNICIPAL COURT TICKET #'S: 20190370006790-6792 MOTION TO RECONSIDER AND NOTICE OF OBJECTION

Pursuant to Rule 110, South Carolina Rules of Criminal Procedure, the defense in this case respectfully presents this notice of objection and motion to reconsider the court's denial of the defense's motion to compel, which was denied on September 2nd, 2020. The court's grounds for denial of the motion are unclear at the moment, however, based on reason and precedent it is very likely that the prosecution should be ordered to cooperate fully with the discovery requests and to respond in good faith, as was requested in the denied motion to compel.

The United States Supreme Court, in Brady v Maryland, required the turning over of all exculpatory material, erroring on the side of giving too much disclosure rather than giving too little (***Brady v. Maryland*** (1963), held that the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution). The United States Supreme Court explained further, in Kyle's v Whitley, that prosecutors are required to provide discovery of exculpatory information and materials in the possession or control of state agencies that have provided information to the prosecution. (***Kyles v. Whitley***, 514 U.S. 419 (1995), held that a prosecutor has an affirmative duty to disclose evidence favorable to a defendant).

In this present case, state agencies have provided information or materials to the prosecution, essentially witnessing against JOHNATHAN M. DANIELS. This case should turn on (1) whether or not the corporate/franchise defendant is properly authorized to exist under law and not in violation of private property rights and (2) whether or not a VALID

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nexus and contract exists between STATE OF SOUTH CAROLINA and the natural person, Johnathan Martia Daniels.

As evidenced by affidavit before this court, at Law, Johnathan Martia Daniels has possessed commercial interests in the published copyright (s) and servicemark (s) "JOHNATHAN MARTIA DANIELS" and several variants since the beginning of his life (1975); Johnathan Martia Daniels has not contracted those interests away, nor has he knowingly agreed to become a franchise operator or director of any entity subsidiary to STATE OF SOUTH CAROLINA. The state has never given any disclosure of enfranchisement and Johnathan Martia Daniels has never knowingly authorized any such entity or attachment. Further, it is a fact that STATE OF SOUTH CAROLINA was given written notice of Johnathan Martia Daniels' ownership of, and commercial interests in, JOHNATHAN MARTIA DANIELS (and variants) in 2017. The court please note that, Johnathan Martia Daniels did not/does not use his truck under state license, and no state issued license plate was/is used on his truck, as it is strictly private property.

Due to the contractual nature of the purported obligation to register private property to STATE OF SOUTH CAROLINA, inter alia, the very existence or nonexistence, along with the specific terms of any obligating contract must be discoverable in light of Johnathan Martia Daniels' present attestation of the non-existence of any such purported contract creating obligations (sworn affidavit). The evidence requested is most certainly material, and even where such evidence or contract does not exist. STATE OF SOUTH CAROLINA must be required to admit that it does not. At trial, officer Garman is likely to claim ignorance of the subject, so witnesses for the state should be identified so that information can be brought to light. The defense must be allowed access to information which would be exculpatory or reasonably allow the uncovering of exculpatory information, as these cannot be intentionally withheld from the defense.

The vast machinery of the state has been brought to bear against the freedom and liberty of a private individual, so the few questions posed to officer Garman, for the state, are not onerous.

For these reasons, it is believed that this court should compel the prosecution to answer the requested discovery in this case. Alternatively, the prosecution should dismiss the charges altogether. The defense in this matter respectfully requests that the court reconsider and issue an order directing the prosecution to respond fully and in good faith to the discovery requests previously presented.

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OBJECTION: (1) In the instance that the court rule to deny this current motion and ratify its initial denial of the defense's motion to compel. the defense in this matter hereby objects to the ruling and denial and preserves the matter for review on appeal. No grounds have yet been given by the court as reason for the ruling and denial. so the defense cannot respond further on this matter. (2) Further. the defense objects to officer Garman acting as both executor and prosecutor in this case. as his acting in two branches of state government (executive and judicial) at the same time. with obviously inadequate training, allows for prejudicial prosecution of untenable charges where they should not be pursued.

The court please note that no disrespect is intended to the court or the officer. but rather a clear statement of the defense's objections. As COVID has these issues heard through writings and without hearings. the tone and temperament of statements may have been misconstrued.

Respectfully Submitted.

Johnathan Martia Daniels. For the Defendant
PO Box 30651
Columbia, SC 29230
Chesssetbyj@yahoo.com

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Attachment K

STATE OF SOUTH CAROLINA, PLAINTIFF, VS JOHNATHAN DANIELS, DEFENDANT,	CITY OF CAYCE MUNICIPAL COURT TICKET #'S: 20190370006790-6792 MOTION TO DISMISS FOR LACK OF JURISDICTION

Pursuant to Rule 110, South Carolina Rules of Criminal Procedure, the defense in this case respectfully presents this motion to dismiss the present charges due to a lack of subject matter, in personam, and in rem jurisdiction. For the reasons set forth below, it is requested that the court order dismissal, with prejudice.

In this present action, STATE OF SOUTH CAROLINA, hereinafter also referred to as "the state", has named JOHNATHAN M. DANIELS as Defendant in an action for various victimless quasi-crimes.

Firstly, and again, the court is put on notice that the natural person Johnathan Martia Daniels has held published common-law copyrights and valid servicemark (s) on the intellectual property "JOHNATHAN MARTIA DANIELS" and several variants, including JOHNATHAN M. DANIELS since 1975; and as for the state's presumption that the natural person, Johnathan Martia Daniels, is a franchise operator or director of a state created JOHNATHAN M. DANIELS franchise, and the state seeking to enforce contractual obligations on his private conduct, no contract exists, and if it does, it was neither lawfully disclosed nor consented to, being therefore invalid and of no legal force or effect.

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As such, the corporate person, JOHNATHAN M. DANIELS, as a non-living, unauthorized, franchise of the state is not a proper subject of the state's contractually created duties and obligations. In this and other matters between the present parties, this court, and other state courts, have been given notice and information that (1) the state has unlawfully created (in violation of Johnathan Martia Daniels' copyrights, notice given to the state in 2017) and improperly attached it's purported JOHNATHAN M. DANIELS franchise to the natural person, Johnathan Martia Daniels without his informed consent, tacit consent, or any other legally valid form of consent; that (2) this court has clear evidence before it, by way of unrebutted affidavits, that no consent was ever given by Johnathan Martia Daniels and that no contract exists between the parties; that (3) Johnathan Martia Daniels has never volunteered to serve the state in any franchise/franchisee relationship or capacity, and (4) that Johnathan Martia Daniels is bound by no prior conviction or legal impairment which would allow his coercion into the office of franchisee by the state to stand as anything other than unlawful slavery, involuntary servitude, and/or peonage. Again, there is no evidence in the record which rebuts these facts (1-4 above).

The defense has previously submitted a motion to the court to compel the state's prosecutor to allow discovery of documents and information proving the jurisdiction of the court and a bonafide obligation or duty owed to the state. However, the motion to compel was denied by the court, the decision having been made that the defense had no legal right to discover the materials requested. As a result, the defense is forced to, respectfully, submit this motion to the court, to which the state is required to prove jurisdiction, on the record. Presumed to know the law, this court is aware that it is the

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prosecutor's responsibility to prove the court has jurisdiction, and where a judge arbitrarily claims the court has jurisdiction, he is violating the defendant's right to due process of the law. "A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance." Rescue Army v. Municipal Court of Los Angeles, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S.Ct. 1409.

In the present case, the state's PROSECUTOR **must** prove the court's jurisdiction and the court must make a ruling on this motion based on the evidence before the court. without any presumption. "There is no discretion to ignore lack of jurisdiction." Joyce v. U.S. 474 2D 215. "Jurisdiction can be challenged at any time." and "Jurisdiction, once challenged, cannot be assumed and must be decided." Basso v. Utah Power & Light Co., 495 F 2d 906, 910. The law provides that once the State and Federal Jurisdiction has been challenged, it must be proven." Main V. Thiboutot, 100 S. Ct. 2502 (1980). Once jurisdiction is challenged, it must be proven." Hagans V. Lavine, 415 U.S. 533.

Further, this case cannot proceed any further until this jurisdictional challenge has been answered and proven, on the record. "Where there is absence of jurisdiction, all administrative and judicial proceedings are a nullity and confer no right, offer no protection, and afford no justification, and may be rejected upon direct attack." Thompson V. Tolmie, 2 Pet. 157, 7 L. Ed. 381; Griffith V. Frazier, 8 Cr. 9, 3 L.Ed. 471. "No sanctions can be imposed absent of proof of jurisdiction." Standard V. Olsen, 74 S. Ct. 768; Title 5 U.S.C., Sec. 556 and 558(b). "A judgment rendered by a court without personal jurisdiction over the defendant is void. It is a nullity. [A judgment shown to be void for lack of personal service on the defendant is a nullity.] Sramek v. Sramek, 17

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Kan. App. 2d 573, 576-77, 840 P.2d 553 (1992), rev. denied 252 Kan. 1093 (1993). "A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court" OLD WAYNE MUT. L. ASSOC. v. McDONOUGH, 204 U. S. 8, 27 S. Ct. 236 (1907). "A universal principle as old as the law is that a proceedings of a court without jurisdiction are a nullity and its judgment therein without effect either on person or property." Norwood v. Renfield, 34 C 329; Ex parte Giambonini, 49 P. 732. "Jurisdiction is fundamental and a judgment rendered by a court that does not have jurisdiction to hear is void ab initio." In Re Application of Wyatt, 300 P. 132; Re Cavitt, 118 P2d 846. "Thus, where a judicial tribunal has no jurisdiction of the subject matter on which it assumes to act, its proceedings are absolutely void in the fullest sense of the term." Dillon v. Dillon, 187 P 27.

Let it be known, until such a time as written proof of jurisdiction is demonstrated and filed in the court record of this case, Johnathan Martia Daniels shall be entitled to the conclusive presumption that lawful jurisdiction is lacking in personam, in rem, and in subject-matter. Further still, Johnathan Martia Daniels intends to prosecute to the fullest extent of the Law anyone who infringes his rights as "officers of the court have no immunity, when violating a constitutional right, from liability, for they are deemed to know the law, Owens V. City of Independence, 448 U.S. .1, 100 S. Ct. 2502: Hafer V. Melo, 502 U.S. 21.

This challenge is timely and must be answered when once the issue is ripe. "Jurisdiction can be challenged at any time, even on final determination." Basso V. Utah Power & Light Co., 495 2nd 906 at 910.

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It is the court's duty to ensure that presumption and unlawful subjugation by the state are not imposed on Johnathan Martia Daniels, as described and detailed throughout the record of this case. "A departure by a court from those recognized and established requirements of law, however close apparent adherence to mere form in method of procedure, which has the effect of depriving one of a constitutional right, is an excess of jurisdiction." Wuest v. Wuest, 127 P2d 934, 937. "Where a court failed to observe safeguards, it amounts to denial of due process of law. court is deprived of juris." Merritt v. Hunter, C.A. Kansas 170 F2d 739.

Again, as regards officer Garman's labeling the natural person, Johnathan Martia Daniels, as a "soveriegn citizen", and the prosecution's insistence in pursuing this matter, the following is most respectfully mentioned for the benefit of the court and City of Cayce. Although a judge may enjoy a nearly impenetrable judicial immunity from direct suit and/or prosecution for errors or decisions made while acting as judicial officer, and state officer's directed by a judge may enjoy quasijudicial immunity by extension. municipalities themselves are not immune from suit as regards unconstitutional acts made or established as municipal policy by the conduct or decisions of a judge or judge directed officer: in South Carolina. a municipal judge is a policy maker for the municipality. when he or she is given proper notice and time to consider. a judge's decision to allow unconstitutional or unlawful deprivations of rights can be considered ratification of illegal policies for which a municipality can be held liable. This court is hereby given the required notices. Please take notice of the attached affidavit.

The defense in this matter respectfully suggests that the charges be dismissed . with prejudice.

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Respectfully Submitted,

Johnathan Martia Daniels, For the Defendant
PO Box 30651
Columbia, SC 29230
Chesssetbyj@yahoo.com

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AFFIDAVIT AND NOTICE OF FACTS

I, the undersigned, Johnathan Martia Daniels, being over 21 years of age, of sound mind, and able to state the truth of these matters from firsthand knowledge do herby say, state and attest to the following, which are wholly true:

(1). I have a religious obligation, as stated at KJV, Galations 5:1-6, and Romans 3:19 to which I adhere adamantly, and I am duty bound to avoid slavery, peonage, and involuntary servitude at all times and in all forms.

(2). I, Johnathan Martia Daniels, hold the sole valid commercial and property interest in "JOHNATHAN MARTIA DANIELS" and its variants, including JOHNATHAN M. DANIELS, as was published and claimed before My birth and later given to Me as My personal property by My Father, Benjamin Daniels Jr.

(3). I, Johnathan Martia Daniels, have neither a license nor a contract which requires that I be licensed by STATE OF SOUTH CAROLINA, nor am I obligated to register My property with STATE OF SOUTH CAROLINA.

(4). I, Johnathan Martia Daniels, deny the existence of any contract between Myself and STATE OF SOUTH CAROLINA which creates any obligation on Me whatsoever, and I demand evidence of any such claimed or presumed contract be placed before the court in writing; where specifically denied, no presumption of contract can be binding upon Me without evidence.

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(5). I, Johnathan Martia Daniels have never been willing, and am currently unwilling, to voluntarily act as any type of officer or representative for any undisclosed state created franchise, and unless My agreement and full disclosure is proven, I disagree to be bound to any obligation so created; the state forcing Me to represent a undisclosed franchise over My objection is slavery, involuntary servitude and peonage, which are prohibited by law.

(6). I, Johnathan Martia Daniels, am litigating this case only out of necessity, and not out of a voluntary desire to do so. If I were to refuse to act, STATE OF SOUTH CAROLINA would use it's laws and officers to attack My personal property and My liberty.

(7). The entity JOHNATHAN M. DANIELS, as charged by STATE OF SOUTH CAROLINA and associated with the man, Johnathan Martia Daniels, is not lawfully created or authorized to exist.

(8). I, Johnathan Martia Daniels, called a "nigger" in this land, am a Negro descendant (Negro being My family name, and not a race) and Sephardic man born in this land, Son of Benjamin Daniels, Himself being son of Benjamin Daniels, Himself being son of Benjamin Daniels, Himself being son of Enoch Daniels, and further Negro Fathers in My line to High Steward of the Realm, Yahia Himself; once enslaved and subjected to the pains and liabilities of Alhambra of 1492, now free in all respects, Alhambra having been repealed and withdrawn in 2012, adjudged void ab initio, the enslavement of My People never duly authorized, and now prohibited to ever be recognized to my detriment. I am

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free with neither lawful nor legal impairment none whatsoever, having been so prior to the creation of the state of South Carolina and prior to the creation of the United States, I am not freed by any state and am without need of statutorily created freedoms, rights, or privileges. * I use state created laws only for enforcement *

(9). People of this land previously attempted to change My Family's names, in the hopes that We would forget who We are, but society at large still knows that I am a Negro, termed "Nigger" in modern parlance, the outstanding "Koon" of extraordinary talent and ability, hence My claim cannot be rebutted by anyone, as the truth is obvious on its face.

Further Affiant Sayeth Not.

Johnathan: Martia Daniels, Affiant

Jurat

State of South Carolina

County of Richland

Johnathan Martia Daniels, appearing before the undersigned notary and being duly sworn (or affirmed), says that the above statements of fact are true, correct, and not misleading. Sworn to (or affirmed) and subscribed before me this the 30th day of July, 2021.

Lauren N Connolly
Official Signature of Notary

(Official Seal)

Lauren N Connolly
Notary's Printed Name

My commission expires: 10/21/2030

LAUREN N. CONNOLLY
Notary Public-State of South Carolina
My Commission Expires
October 21, 2030

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Nov 16 2022
S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CITY OF CAYCE
Municipal Court

Bryan Jeffries, Municipal Judge

Case No. 20210370007763-7764

The State, Respondent,

v.

Johnathan M. Daniels, Appellant.

NOTICE OF APPEAL

Pursuant to South Carolina 14-3-330 (2)(a), Johnathan M. Daniels submits this interlocutory appeal from two separate orders made by the Honorable Bryan Jeffries on November 7, 2022, which denied Appellant's motion to dismiss and granted the prosecutor's motion to limit evidence.

Judge Jeffries' denial of Appellant's motion to dismiss allows retaliatory criminal prosecution of Appellant for Appellant's exercise of substantial constitutionally protected rights, including the rights to freedom of religion, free speech, liberty, and trial by jury; while concurrently, the judge's granting of the prosecution's motion to limit evidence deprives Appellant of the right to present evidence for his defense allowed under South Carolina Section 1-32 to the jury, effectively denying Appellant of the right to a trial by jury. Appellant received verbal notice of both orders on November 7, 2022. No written order issued from the municipal court.

Further, Appellant hereby informs the South Carolina Supreme Court that, in reality, there are no genuine factual disputes in this matter and the case should be decided as a matter of law. Taken together, the orders from which Appellant appeals will decide the action, and this Court's intercession at this point will prevent an unjust judgment from which an appeal will be taken at a later date. If this Court does not intervene, unlawful deprivation of constitutionally and statutorily protected rights, religious persecution, and extreme injustice will occur.

November 14, 2022

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Attorney for Respondent

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STATE OF SOUTH CAROLINA)
)
Johnathan Daniels)
Appellant)
vs.)
)
City of Cayce)
Respondent)

IN THE COURT OF COMMON PLEAS
11TH JUDICIAL CIRCUIT

AFFIDAVIT OF SERVICE

Case # 2023CP3208817

Personally appeared before me, the undersigned appellant, who being duly sworn says that (s)he served the NOTICE OF APPEAL in this action on

City of Cayce Prosecutor (Crowe) and B. Jeffries personally,
(Name of party served)

at 2 Lavern Jumper Rd., Cayce, SC 29033 on
(Street Address)

July 28th, 2023
(Date of Service)

Sworn to before me on 01st day
of August, 2023

Nathan Evans
Notary Signature
My commission expires 06/23/2032

Johnathan Daniels
Appellant Signature

NATHAN EVANS
Notary Public
State of South Carolina
My Commission Expires Jun 23, 2032

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LISA H. COMER
CLERK OF COURT
LEXINGTON SC

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SC Court of Appeals

THE SOUTH CAROLINA
In The Court Of Appeals

Case No. 2022-001598

Johnathan Daniels, Appellant.

v.

The City of Cayce Respondent,

Motion For Reinstatement

For good cause, pursuant to South Carolina Appellate Court Rules 204, 221(b) and 260 (a), Appellant requests that this appeal be reinstated and transferred back to the South Carolina Supreme Court so that the appeal can be heard by the court of proper statutory jurisdiction, and that no remittitur to the lower court shall issue from this court.

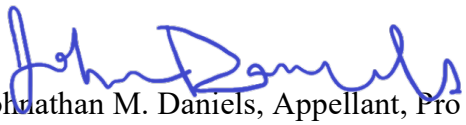
Due to inadvertence or mistake, this appeal was transferred to the S.C. Court Of Appeals and subsequently dismissed by this court's clerk due to this court having no jurisdiction. However, this appeal was made to the South Carolina Supreme Court, under that Court's appellate authority given at S.C. Code 14-3-330 (2)(a), to review orders affecting substantial rights, and this appeal meets all of the additional requirements of that statute.

The S.C. Court of Appeals would not and could not ever have jurisdiction over appeals made under S.C. Code 14-3-330 (2)(a), and the S.C. Supreme Court Clerk's transfer of this appeal to the S.C. Court Of Appeals effectively amounts to a dismissal of the appeal. Such a "dismissal" violates Appellant's right to due process of law, and will undoubtedly result in another appeal and further litigation. Any dismissal of this appeal should come by order of the S.C. Supreme Court, not by way of a dismissal by the S.C. Court Of Appeals after the case was inadvertently or mistakenly transferred to this court.

Additionally, the court please note that Appellant never received notice of the order transferring the appeal to this court, but rather, was first alerted to the transfer by receipt of this court's order of dismissal.

For the above reasons, Appellant respectfully requests that this appeal be reinstated by the S.C. Court Of Appeals and transferred back to the S.C. Supreme Court to be reviewed as is statutorily proper, and that no remittitur should issue to the trial court from this court.

December 6, 2022



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Email: epeagler@johnsonsclaw.com
Attorney for Respondent

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Dec 06 2022
SC Court of Appeals

THE SOUTH CAROLINA
In The Court Of Appeals

Case No. 2022-001598

Johnathan Daniels, Appellant.

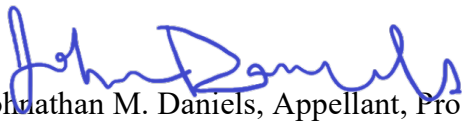
v.

The City of Cayce Respondent,

PROOF OF SERVICE

I certify that I have served the Motion For Reinstatement on Respondent by depositing a copy of it in the United States Mail, postage prepaid, on December 6th, 2022, addressed to Respondent's attorneyof record, Daniel E. Peagler, 3975 South Eastern Way, West Columbia, SC 29169.

December 6, 2022



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Attorney for Respondent

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STATE OF SOUTH CAROLINA COUNTY OF LEXINGTON	)	IN THE COURT OF COMMON PLEAS ELEVENTH JUDICIAL CIRCUIT
Johnathan Daniels, Appellant, v. City of Cayce, Respondent.	)	Civil Action Number: 2023-CP-32-02817 **MOTION TO DISMISS**

Respondent City of Cayce hereby notices this Motion and moves to dismiss this purported appeal of Appellant from the City of Cayce Municipal Court. This Motion is made pursuant to Rule 12(b)(1) and (6), SCRCP, which are applicable to this action by reason of Rule 74, SCRCP, and on the general grounds of lack of jurisdiction over the subject matter and failure to state facts sufficient to state a cause of action for appeal.

This Motion is made on the specific ground that the action is not properly an appeal "from the sentence or judgment of the municipal court," as required by S.C. Code § 14-25-95 ("Appeals to Court of Common Pleas; procedures and time limits."). Rather, this is an appeal from the denial of Appellant's pre-trial motion to "quash" and Appellant's pre-trial motion to dismiss and from the grant of a pre-trial motion in limine for the City. Appellant's Notice of Criminal Appeal describes this action as an "interlocutory appeal."

This Motion is further made on the specific ground that the action is untimely and violates the time limit for appeal as provided by S. C. Code § 14-25-95 ("Appeals to Court of Common Pleas; procedures and time limits."). It appears on the face of Appellant's appeal pleading that Appellant's action challenging the 2021 and 2022 Municipal Court rulings on the motions was dismissed by the Court of Appeals with remittitur to the Municipal Court on March

10, 2023, and was not commenced in this Court until July 27, 2023. Appellant's proof of service of his appeal pleading for this action indicates service on the Municipal Court on July 28, 2023, more than 21 months after the 2021 motion rulings, more than nine months after the 2022 motion rulings, and more than four months after the remittitur. S.C. Code § 14-25-95 ("Appeals to Court of Common Pleas; procedures and time limits.") provides for service of the notice of intention to appeal on the municipal court "within ten days after sentence is passed or judgment rendered, or the appeal is waived." Compliance by Appellant with § 14-25-95 is a subject matter jurisdictional requirement for the circuit court as the reviewing court on a first-level appeal from municipal court.

s/Danny C. Crowe
Danny C. Crowe, SC Bar #1480
CROWE LAFAVE GARFIELD & BAGLEY, LLC
2019 Park Street
Columbia, South Carolina 29201
Phone: 803-724-5728
danny@crowelafave.com

Attorney for Respondent City of Cayce

August 28, 2023

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LEXINGTON SC

JOHNATHAN DANIELS,

APPELLANT

VS

CITY OF CAYCE,

RESPONDENT,

IN THE COURT OF COMMON PLEAS ELEVENTH JUDICIAL CIRCUIT

C/A Number: 2023-CP-32-02817

APPELLANT'S RESPONSE TO RESPONDENT'S MOTION TO DISMISS

Now comes Appellant, Johnathan Daniels, responding to Respondent's Motion to Dismiss his appeal before the Lexington County circuit court. Respondent's grounds for appeal are obviously flawed and seek to deter this circuit court from ruling on this matter based on the merits. This circuit court obviously has jurisdiction to decide this appeal. The municipality is delaying filing the complete record to this circuit court, which allows Respondent to make baseless assertions of noncompliance with the notice requirements of S.C. Section 14-25-95, among other purported noncompliance with rules.

Appellant presents technical legal response to Respondent's motion below, but reminds all present that **regardless of any of Respondent's claims to the contrary, Appellant's protected rights to freedom of religion, right to liberty, right to own property, right to a jury trial and right to present his defense against the state's charges in this case are inalienable and cannot be considered waived over his protest, without his knowing waiver, nor by his unintentional mistake or error.** The record in this case shows that Appellant never intended any such waiver of any rights to religious freedom, right to a jury trial, right to liberty, right to property, or any other Constitutionally protected rights.

In this case, the state is denying Appellant's demand for a jury trial, right to present a defense, and also burdening Appellant's free religious exercise, liberty, and right to own property by prohibiting his religious practice, without a genuine Constitutional compelling interest, and also regulating him through means that are more restrictive than those means that the state extends to other persons within its jurisdiction for secular reasons. Twice, Appellant has challenged the state's unlawful of burdening his religious exercise by demanding that the state "demonstrate", as required under S.C. § 1-32, that it is lawfully prosecuting Appellant and lawfully restricting Appellant's use of the public roads of this state. Twice, the state has failed to "demonstrate" that the burden it is imposing on Appellant is lawful. Respondent now seeks to avoid the review of these matters. That being said, Appellant presents the following arguments.

The record in this case will show that Appellant did provide timely written notices of intent to appeal, as required by South Carolina § 14-25-95. Although this case has progressed slowly, the delays have been justified, as explained in Appellant's pleading to this circuit court. Appellant now addresses Respondent's legal bases for requesting dismissal, in turn, beginning with his argument based on Rule 12(b)(1) and (6), SCRCP, as well as Rule 74 SCRCP.

Rule 12(b)(1): Appellant initially made his appeal to the South Carolina Supreme Court under the provisions of South Carolina §§ 14-3-330(1) and (2)(a). The South Carolina Supreme Court then referred the matter to the South Carolina Court of Appeals, and that court dismissed the Appeal due to a lack of jurisdiction, **citing S.C. Code Ann § 18-7-10 (2014)... "requiring submission of the Appeal to the circuit court."** Unless Respondent argues that Appellant, a pro se litigant under criminal prosecution by the

state, should not follow the direction of three of this state's Appellate Court Judges, then this appeal is filed in the correct court.

As to other jurisdictional matters, **this appeal was/is made under South Carolina §§ 14-3-330(1) and (2)(a), which permits interlocutory appeals when a pretrial ruling is made which denies protected substantive rights, and thus directly implicates the state and federal Constitutions as relates to substantive rights, such as the right to trial by jury, the right to present a defense, right to liberty, right to free exercise of religion, as well as other Constitutional and statutory rights.** Appellant has not knowingly or intelligently waived any protected right., and demanded a jury trial at the very outset of the municipal case. This court not hearing this appeal now, will certainly lead to further Constitutional violations and further appeals. This circuit court has taken an Oath to prevent and correct such violations.

Rule 12(b)(6): As described in the Notice of Appeal to this circuit court, and is apparent from the record in this case, Appellant has properly appealed and the record rightly shows Respondent's denial of equal protection of the laws, denial of due process, and deprivation of Appellant's Constitutionally recognized rights and privileges. If the municipal court's rulings are allowed to stand, Respondent will have circumvented Appellant's right to a trial by jury, because the municipal judge NOT ALLOWING Appellant to present facts regarding Appellant's religious beliefs and practices to the jury. Those facts a relevant and need to be presented to the jury to support Appellant's South Carolina § 1-32 and Constitutional religion based defenses. Appellant has no other defenses. The municipal court granted the prosecution's motion in limine and ruled that Appellant can state his facts and make his arguments to the judge only, in summary trial

fashion, and the judge would then decide Appellant's guilt. If this case is taken to trial, Appellant's defense will require establishing facts in determining, "Has the state burdened Appellant's Religious Exercise? Does the state have a Constitutionally genuine compelling interest in forcing Appellant to operate under license? Are the state's means of regulating Appellant the least restrictive means of regulation when compared to less restrictive means through which the state regulates secular persons?"

Appellant argues that the record shows that there is no *genuine* dispute as to the facts of the case, as the record clearly shows that: (1) Appellant's beliefs are religiously based, (2) Appellant is sincere in his beliefs, (3) Appellant's religious exercise is being unlawfully burdened by the state, (4) the state does not have a Constitutionally genuine compelling interest in demanding that Appellant Not use the state's roads, at all, without a license, and (5) that the state's means of regulating Appellant are not the least restrictive means allowed under the laws of South Carolina. Twice, Appellant has demanded justification for the state's imposition of the burden on his free religious exercise, as required under S.C. § 1-32. Twice, the state has failed to "demonstrate", as required by S.C. § 1-32, that the burden it is imposing on Appellant is lawful, but the municipal court has refused to quash or dismiss the charges against Appellant. Sufficient facts are shown in the record of this case to support Appellant's appeal before this circuit court.

Respondent's municipal court circumventing and denying Appellant's right to a trial by jury is certainly a sufficient cause for appeal. Respondent's municipal court allowing unlawful retaliatory prosecution of Appellant for Appellant's free exercise of his Constitutionally protected rights is certainly sufficient cause for appeal. **Since this**

circuit court has taken an Oath to defend the state and federal Constitutions, then there are no greater causes of action than those claimed by Appellant and demonstrated by this case record.

Regarding Appellant's purported noncompliance with South Carolina Section 14-25-95 and other timing requirements: Under South Carolina § 14-25-95, Appellant has a near absolute right to appeal, unless he does not comply with the time requirements of the statute. South Carolina § 14-25-95 does not purport to affect any timelines other that the period of time between a municipal court "sentence or judgment" and Appellant giving notice of intent to appeal. Importantly, no specific form is proscribed for the notice of intent to appeal, therefore, a written notice which clearly informs the municipal court of intent to appeal should be sufficient.

The record in this case will show that Appellant provided Respondent and the municipal clerk of court with timely written notice of intent to appeal every issue under appeal before this court. Specifically, Judge Bobertz denied Appellant's Motion to Quash on October 19th, 2021, and Appellant gave written notice of his intent to appeal on Respondent and the municipal clerk of court on October 22nd, 2021, three days later, including specific objections. (See attached Motion To Reconsider). Therefore, Appellant's appeal of the denial of his Motion to Quash was/is not waived.

Further, Judge Jeffries denied Appellant's Motion to Dismiss on November 7th, 2022. Appellant objected verbally at the hearing, and gave verbal notice of intent to appeal the issues appealed in this appeal. Nine days after the November 7th, 2022 hearing, on November 16th, 2022, Appellant served written notice of intent to appeal (an actual notice of Appeal) and grounds for the appeal on Respondent and the municipal

clerk of court. (See attached Notice Of Appeal). Therefore, Appellant's appeal of the issues was/is not waived.

Respondent states that, "This Motion is further made on the specific ground that the action is untimely and violates the time limit for appeal as provided by S. C. Code § 14-25-95..." This argument is faulty, as S. C. Code § 14-25-95 only addresses the time allowed to notify the municipal court of Appellant's intent to appeal. Appellant has clearly met the requirements of S. C. Code § 14-25-95.

Any other issues regarding the timeliness of this appeal are addressed in the Notice of Appeal to this circuit court. All timeliness arguments must fail because, in each instance, Appellant provided the required notice of intent to appeal within 10 days or less, while all further delay was caused by ineffective assistance of counsel by the attorney appointed by the municipal court. This ineffective assistance is clear from the face of the record in this case, as Appellant submitted to the record emails between the municipal court's appointed attorney and himself to the municipal court, and also made written complaints to the municipal court about the attorney's ineffective assistance. As described in the Notice of Appeal to this circuit court, despite the provisions of S.C. § 1-32 and the state and federal Constitutions, the attorney, appointed by the municipal court to represent Appellant, refused to assist Appellant "with any religiously based appeal or defense." This lack of assistance caused the initial filing of Appellant's appeal to the wrong court as well as all other subsequent delay in filing the appeal to this circuit court. In the interest of justice, this circuit court has jurisdiction and authority to decide this appeal under S. C. Code § 14-25-95, S.C. Code Ann. § 18-1-100, S.C. Code § 14-3-330 (1) and (2)(a), as well as the Order of the South Carolina Court Of Appeals in its

remittance of this case to the municipal court. (See attached Order, S.C. Court Of Appeals, Case # 2022-001598).

The South Carolina Supreme Court referred Appellant's initial appeal to the South Carolina Court of Appeals, which then ordered that the case must be submitted to the circuit court; therefore, Respondent has no leg to stand on in arguing that this circuit court has no jurisdiction to hear the appeal. Such a scenario would mean that Respondent and Respondent's municipal court's violation of Appellant's un-waived rights, such rights being guaranteed by statutory and Constitutional protections, would be un-appealable in this state. Of course such a condition cannot lawfully exist, and this state's higher courts have already spoken on the matter by requiring that the appeal go through the circuit court.

Moving on, since the jurisdiction of this circuit court is clearly established, the only issue that remains is the timeliness of Appellant's presentation of the appeal to this circuit court. This court should agree that ineffective assistance of counsel to Appellant by the municipal court's own appointed attorney was the primary cause for the late presentation of this appeal to the circuit court. Appellant is presenting no new issue to this circuit court, which was not included in his previous request for appeal to the South Carolina Supreme Court. Clearly, Appellant timely notified the municipal court of his intent to appeal within the timelines required under South Carolina. § 14-25-95 and, here, seeks only to re-present the appeal to the correct court. This should be allowed by this circuit court because the errors that caused the misfiling and delay in presenting this appeal were caused by ineffective assistance of counsel provided to Appellant by the attorney appointed by the same municipal court complained of in this appeal. Put

bluntly, it was the municipal court's appointed an attorney who "sabotaged" Appellant's appeal and obstructed formulation of Appellant's religion based defense. For these reasons, Appellant requested the removal of this attorney by motion to the municipal court, and the motion was granted. These are facts directly shown from the record in this case. It would be unconstitutional, prejudicial, and unfair for this circuit court to disallow this appeal to Appellant's detriment. Appellant gave the required notices and never intended to waive his right to appeal, or any other Constitutionally protected rights.

S.C. Code § 14-3-330 gives the South Carolina Supreme Court appellate jurisdiction for correction of errors of law, and states that the Supreme Court shall review upon appeal [Bold Added]:

(1) **Any intermediate** judgment, **order** or decree **in a law case involving the merits in actions commenced in the court of common pleas and general sessions**, brought there by original process **or removed there from any inferior court or jurisdiction, and final judgments in such actions**; provided, that **if no appeal be taken until final judgment is entered the court may upon appeal from such final judgment review any intermediate order or decree necessarily affecting the judgment not before appealed from; (2) An order affecting a substantial right made in an action when such order (a) in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action,** (b) grants or refuses a new trial or (c) strikes out an answer or any part thereof or any pleading in any action;

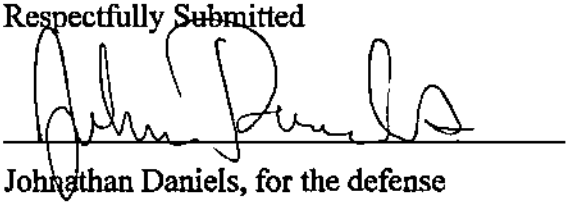
S.C. Code § 14-3-330 is directly applicable to this appeal. Firstly, S.C. Code § 14-3-330 (1) applies to judgements, **orders**, or decrees removed to the court of common pleas or general sessions from an inferior court, as in this case, a municipal court. In such a "removal" to the court of common pleas, S.C. Section 14-25-95 would apply. However, this is a non-starter argument for Respondent because as shown above, Appellant DID meet the requirements of S.C. Code § 14-25-95. Secondly, S.C. Code § 14-3-330(2)(a),

does not specifically require removal to the court of common pleas, and S.C. Code § 14-25-95 would not be relevant. Additionally and specifically, the Order of the South Carolina Court Of Appeals requires submission of this particular appeal to the circuit court. (See attached Order, S.C. Court Of Appeals, Case # 2022-001598).

Additionally, **appeals made under South Carolina Section 14-3-330(1) and (2)(a) may be heard from an interlocutory posture or at any time after final judgment.** The charges in this case, against this Appellant, are unconstitutional and should be quashed or dismissed before trial. **Appellant sees no reason why he should be put in jeopardy of losing his liberty and property, when the dictated parameters of the upcoming trial will not permit Appellant a true trial by jury, or the right to present his valid religion based defenses.**

Concluding, Respondent's claims of this court's lack of jurisdiction are unfounded, and this circuit court should enforce the state and federal laws that are in place to safeguard the rights of Appellant from unlawful deprivations by the state under color of law or otherwise. Therefore, Appellant requests that this circuit court deny Respondent's Motion to Dismiss and hear this appeal at this time.

Respectfully Submitted



Johnathan Daniels, for the defense
P.O. Box 30651
Columbia, South Carolina 29230
Email: chesssetbyj@yahoo.com

FILED
2023 SEP -6 PM 4:10
CLERK OF COURT
LEXINGTON SC

JOHNATHAN DANIELS,

APPELLANT

VS

CITY OF CAYCE,

RESPONDENT,

IN THE COURT OF COMMON PLEAS ELEVENTH JUDICIAL CIRCUIT

C/A Number: 2023-CP-32-02817

CERTIFICATE OF SERVICE

I, Johnathan Daniels, certify that I have served the Response to Motion to Dismiss + Motion for Order to Produce Record on Danny Crowe by depositing a copy of it in the United States Mail, postage prepaid, on September 6th, 2023 addressed to Danny Crowe, 2019 Park St, Columbia, SC 29201.

Respectfully Submitted

Johnathan Daniels, for the defense

P.O. Box 30651
Columbia, South Carolina 29230
Email: chesssetbyj@yahoo.com

FILED

2023 SEP -8 PM 4:34
LISA M. COMER
CLERK OF COURT
LEXINGTON SC

JOHNATHAN DANIELS,

APPELLANT

VS

CITY OF CAYCE,

RESPONDENT,

IN THE COURT OF COMMON PLEAS ELEVENTH JUDICIAL CIRCUIT

C/A Number: 2023-CP-32-02817

MUNICIPAL RECORD ON APPEAL
(Submitted by Appellant)

Now comes Appellant, Johnathan Daniels, presenting to this circuit court documents needed to support his appeal. These documents are true, exact, and unaltered portions of the municipal court record in the municipal case under appeal before this circuit court. The documents are relevant and material to Appellant's appeal and this circuit court's determination of its jurisdiction and the timing of the appeal. Further, South Carolina's Supreme Court will need a sufficient record to review Constitutional aspects of the case as well.

Appellant has received the written Return from the municipal court, and it is obvious that the Return sent by the municipal judge grossly and summarily misrepresents the arguments presented by Appellant at the motion hearings relevant to this appeal. It is also obvious that Respondent's municipal court has no intent of sending this circuit court any portions of the municipal record that correctly explain Appellant's arguments made before the municipal court.

The rulings appealed in this action were each in response to WRITTEN MOTIONS made by Appellant, and there is no need for this circuit court to rely on inaccurate summaries of Appellant's arguments when written documents are in the municipal record. Appellant believes that the written motions, and other documents from

the municipal record should be put before this circuit court so that the Constitutional violations complained of by Appellant can be observed and corrected by this circuit court.

Further, certain portions of the municipal record are needed to demonstrate the ineffective assistance of counsel to Appellant, which delayed Appellant's presentation of this appeal to this circuit court. Therefore, documents already included in the municipal record such as: attachments that were included with motions, affidavits, the motion to relieve court appointed counsel with supporting emails, and other documents offered as proof of claims made by Appellant in this appeal, should be presented to this circuit court.

CERTIFICATION OF DOCUMENTS

Appellant obtained the municipal court record by written request he made to Respondent's municipal clerk of court. Appellant certifies that the documents are true, exact, and unaltered copies of the municipal record.

Respectfully Submitted

Johnathan Daniels, for the defense
P.O. Box 30651
Columbia, South Carolina 29230
Email: chesssetbyj@yahoo.com

FILED
2023 SEP -8 PM 4:34
TISA M. COMER
CLERK OF COURT
LEXINGTON SC

JOHNATHAN DANIELS,

APPELLANT,

VS

CITY OF CAYCE,

RESPONDENT,

IN THE COURT OF COMMON PLEAS ELEVENTH JUDICIAL CIRCUIT

C/A Number: 2023-CP-32-02817

CERTIFICATE OF SERVICE

I, Johnathan Daniels, certify that I have served the Municipal Record on Appeal on Respondent by ~~depositing a copy of it in the United States Mail, postage prepaid, on~~ E-Mail 9/8/23, addressed to danny@crowelafave.com.

Respectfully Submitted

John Daniels.

Johnathan Daniels, for the defense

P.O. Box 30651
Columbia, South Carolina 29230
Email: chesssetbyj@yahoo.com

MUNICIPAL RECORD ON APPEAL

(Submitted By Appellant: Because municipality seeks to obfuscate argument and avoid accountability for repeated Constitutional violations by not submitting the complete case record to the circuit court.)

INDEX

******Items In Bold Are Under Appeal******

Notice Of Withdrawal of Motion To Dismiss and Certificate of Service	Mun. 000-001
Notice Of Conflict Of Interest, Request For Release And Reappointment	Mun. 002-004
Emails (In Support of Motion To Release Court Appointed Attorney)	Mun. 005-039
Motion To Dismiss, Request For Accommodation, Notice Of Objection	Mun. 040-067
Affidavit (In Support Of Motion To Dismiss) And Service Certificate	Mun. 068-072
Jury Trial Notices	Mun. 073-074
S. C. Court Of Appeals Order and Remittance To Municipal Court	Mun. 075-076
Jury Strike Notices	Mun. 077-078
Notice Of Appeal, served 11/14/22, filed in Mun. Court 11/16/22	Mun. 079-081
* **Motion To Dismiss For Lack Of Jurisdiction, filed 10/31/22, decided 11/7/22**	Mun. 082-094
FOIA Requests To Municipal Clerk Of Court	Mun. 095/101
Letter Denying Appellant's Motion To Reconsider, 10/23/2021	Mun. 096
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* **Motion To Quash, Request For Accommodation, filed 10/19/2021**	Mun. 102-121
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Note: Pages Mun. 162-164 Ommitted

STATE OF SOUTH CAROLINA, PLAINTIFF, VS JOHNATHAN DANIELS, DEFENDANT,	CITY OF CAYCE MUNICIPAL COURT TICKET #'S: 20210370007763-7764 NOTICE OF WITHDRAWAL OF MOTION TO DISMISS

Pursuant to Rule 110, South Carolina Rules of Criminal Procedure, Johnathan M. Daniels, hereinafter "Mr. Daniels", respectfully files this Notice of Withdrawal Of Motion To Dismiss, giving notice to the court and prosecution that he has withdrawn his request to be heard or have the City Of Cayce Municipal Court make any ruling upon his Motion To Dismiss, filed on June 2nd, 2023.

The filing of the Motion To Dismiss was accompanied by other documents, such as Affidavits, which are to remain valid despite the withdrawal of Mr. Daniels' request to be heard or have the City Of Cayce Municipal Court make any ruling upon his Motion To Dismiss, filed on June 2nd, 2023. This withdrawal is intended to take effect immediately.

Most Respectfully Submitted,

Johnathan Martia Daniels, Pro Per
PO Box 30651
Columbia, SC 29230
Chesssetbyj@yahoo.com

RECEIVED
CAYCE MUNICIPAL COURT
JUL 25 2023
POST OFFICE BOX 3408
CAYCE, SC 29171

STATE OF SOUTH CAROLINA, PLAINTIFF, VS JOHNATHAN DANIELS, DEFENDANT,	CITY OF CAYCE MUNICIPAL COURT TICKET #'S: 20210370007763-7764 CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I, Johnathan Daniels, hereby certify that on July 21st, 2023, I served copies of Notice of Withdrawal, on Danny Crowe, at Crowe LaFave, 2019 Park St. Columbia, SC 29201 by way of U.S. Mail.

Signature [signature]

Printed Name Johnathan Daniels

RECEIVED
CAYCE MUNICIPAL COURT

JUL 25 2023

POST OFFICE BOX 3408
CAYCE, SC 29171

STATE OF SOUTH CAROLINA, PLAINTIFF, VS JOHNATHAN DANIELS, DEFENDANT,	CITY OF CAYCE MUNICIPAL COURT TICKET #'S: 20210370007763-7764 NOTICE OF CONFLICT OF INTEREST, REQUEST FOR RELEASE AND REAPPOINTMENT

Pursuant to Rule 110, South Carolina Rules of Criminal Procedure, Johnathan M. Daniels, hereinafter "Mr. Daniels", respectfully files this Notice of Conflict Of Interest, giving notice to the court of irreconcilable and substantial conflicts of interest between Mr. Daniels and the attorney appointed by the court to represent him, Mr. Harry Hancock., hereinafter "Mr. Hancock". Due to the enormity of the conflicts, Mr. Daniels has no confidence in Mr. Hancock's ability or willingness to represent his interests in this case.

Giving some detail to the court regarding the issues, Mr. Daniels presents the following:

1. Mr. Daniels is charged with traffic "crimes" that are regulatory in nature.
2. As a defense, Mr. Daniels claims a substantial state-imposed burden on the free exercise of his religion.
3. If taken to trial, Mr. Daniels intends to presents facts regarding his religious beliefs, claims of undue substantial religious burden, a S.C. § 1-32 defense, and other state and federal constitutional defenses against the charges.
4. The laws of the South Carolina and the United States allow for the presentation of Mr. Daniels' desired defenses at "a judicial proceeding." S.C. § 1-32 specifically states, "SECTION 1-32-50. Burden on exercise of religion a claim or defense; attorney's fees.

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CAYCE, ROA 116

If a person's exercise of religion has been burdened in violation of this chapter, the person may assert the violation as a claim or defense in a judicial proceeding."

5. Due to Mr. Daniels' indigence, and at his request, this court appointed Mr. Hancock to provide legal counsel to Mr. Daniels on November 7th, 2022.
6. Mr. Hancock is a stern conscientious objector and fundamentally opposed to assisting Mr. Daniels in presenting any religion-based arguments before any court in South Carolina. See emails attached.
7. Mr. Hancock has outright refused to assist Mr. Daniels, and has made good on his refusal despite Mr. Daniels' insistence and objections. See emails attached.
8. Mr. Hancock refused to assist Mr. Daniels, in any way, in making an earlier appeal in this case, which resulted in the appeal being made to the wrong court and subsequently dismissed. See emails attached.
9. Mr. Hancock has refused to assist in the formulation and/or presentation of "any defense that says anything about religion." See emails attached.
10. Mr. Hancock has refused to answer direct questions of law in intelligible language, instead offering, what Mr. Daniels believes to be, intentionally useless philosophical rhetoric, which suggests that Mr. Daniels should forgo his protected rights, and fall on the sword to preserve the status quo of the state. See emails attached.
11. Mr. Hancock has misstated well-published laws and precedents in attempts to convince Mr. Daniels to lay down his religion based defenses. For example, Mr. Hancock's explanation of the implications of *Wisconsin v. Yoder: 406 U.S. 205* (1972) was, Mr. Daniels believes, deliberately inaccurate. He first said that *Yoder* was a driver's license case that was decided in favor of the state's right to require licensing. When Mr. Daniels informed him that it was a First Amendment religious exercise case, he responded that despite his earlier inaccuracy, the case was decided in favor of the state's right to compel licensing or performance under the circumstances. This was also incorrect

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and, apparently deliberately so. In *Yoder*, the U.S. Supreme Court ruled 7-0 that the state of Wisconsin violated the First Amendment to the Constitution, and had no right to compel performance or punish noncompliance with its law. See emails attached.

12. Mr. Hancock's motivations or advocacy are highly suspect and Mr. Daniels has no confidence in his acting on Mr. Daniels' behalf.
13. Mr. Daniels has a 6th Amendment protected right to counsel, and Mr. Hancock's appointment by this court does not meet the standards required by state and federal constitutional law.
14. Mr. Daniels has not and does not waive his right to counsel or any other right.

For the above reasons, Mr. Daniels requests that this court IMMEDIATELY release Mr. Hancock from his appointment and obligation to represent Mr. Daniels, and that the court appoint new counsel. No statement made is intended to tarnish Mr. Hancock's good name or reputation, as his stance, actions, and inactions appear to be motivated by politics and/or an obligation to some entity of which Mr. Daniels is unaware, but not due to incompetence. Additionally, Mr. Daniels states his objection to this Court's denial of his Motion for Continuance which was presented by Mr. Hancock on May 12th, 2023.

Most Respectfully Submitted,

The reasons for the objection are that the defense in this case is dependent on the results of Appeal (SC Court of Appeals case # 2022-001437) and Mr. Daniel's right to benefit from the plea agreement in that case, if the Court determines the plea to be valid.

Johnathan Martia Daniels, Pro Per
PO Box 30651
Columbia, SC 29230
Chesssetbyj@yahoo.com

RECEIVED
CAYCE MUNICIPAL COURT
JUL 25 2023
POST OFFICE BOX 3408
CAYCE, SC 29171

Re: Daniels Representation

From: Harry Hancock (hhancock58@yahoo.com)
To: chesswolf@yahoo.com
Date: Wednesday, November 15, 2023 at 10:37 AM EST

As to appeal, I have heard your analysis of the issue. As you know, I understand your position but disagree with the "equal protection" claims.

As to appeal on bail appeal, proceed only if you strictly adhere to the rules for exercise of appellate jurisdiction. I am sorry that I cannot offer any deeper insight, but I am not familiar with what has been done so far. Additionally if I provide affirmative guidance it would possibly endanger me in the appeal track.

Best regards,

Harry

On Wednesday, November 15, 2023 at 07:31:24 AM EST, Johnathan Daniels <chesswolf@yahoo.com> wrote:

Mr. Hancock,

Hello, I assume things went as planned at court yesterday. As You were appointed but unable to represent due to conflict, considering My self representation, are there any special conditions or restrictions I need to know about going forward?

Thanks,

Johnathan Daniels

On Sunday, November 12, 2023 at 01:20:21 PM EST, Harry Hancock <hhancock58@yahoo.com> wrote:

Mr. Daniels,

Please DO NOT WAIT for me to file my notification with the Court on Tuesday. If you believe you have an issue with notification here, please file at any time. AGAIN, your appeal has not been perfected in the notice I intend to file on Tuesday.

Best regards,

Harry Hancock

On Sunday, November 12, 2023 at 09:27:30 AM EST, Johnathan Daniels <chesswolf@yahoo.com> wrote:

Good Morning Mr. Hancock,

I am prepared to file the written Notice of Appeal to the Cayce Court. I understand that You are not able to present My arguments to the higher court, and I accept Your explanation as offered last week. Assuming You are allowed to do so, please notify the Cayce Court, as soon as possible, that I will be filing and conducting the appeal Myself. As You are aware, I need to meet deadlines with the higher court.

You also mentioned that You might be available to represent Me on the municipal level should the appeal not resolve the case. I don't know if that is something that the court would need notice of or not.

Thanks,

Johnathan Daniels

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CAYCE MUNICIPAL COURT

JUL 25 2023

POST OFFICE BOX 3408
CAYCE, SC 29171

Re: Cayce appeal

From: harry hancock <hhancock58@yahoo.com>

To: [redacted]@yahoo.com

Date: Thursday, May 25, 2023 at 12:09 PM EDT

In a legal argument, you are arguing about the constitutionality of the law to a person of your religious belief. Since an affidavit as to your religious belief would need to be made to the Court as a basis for your argument. An affidavit would suffice, but being sworn to make the statement would be no different.

Harry

On Thursday, May 25, 2023 at 11:53:14 AM EDT, J Sn[redacted] wrote:

Ok. Just to be clear in My question... At the motion to dismiss hearing, the court will take notice of My religious beliefs and practices if they are presented via affidavit rather than sworn before the court?

Thanks.

On Thursday, May 25, 2023 at 11:35:08 AM EDT, harry hancock <hhancock58@yahoo.com> wrote:

I agree you will likely need to declare your religious beliefs without getting into the facts of the traffic stop and any statements made thereafter. Affidavits are for factual matters. In arguing the Law, you would identify the law(s) which are the basis for the charges pending and your legal argument as to why those or current apply to your situation.
On Thursday, May 25, 2023 at 10:25:47 AM EDT, J Sn[redacted] wrote:

Mr. Hancock,

Thanks for the response. Yes, I am filing a written motion. Of course, I have little understanding of this procedural stuff, but I believe that certain facts need to be presented to the judge in order for him to make a ruling in My favor. As to the factual details of My claim of substantial religious burden (i.e. what I believe religion wise and why I am claiming the SC 1-32 defense, as well as a Constitutional defense) needs to be presented to the court in a format acceptable by the rules of evidence.

Are affidavits sufficient for this? Or must the testimony be affirmed before the court? I don't want a ruling made thinking that the court has acknowledged facts when the facts won't be considered in the court's ruling.

Please advise.

Thanks,

Johnathan

On Thursday, May 25, 2023 at 09:14:12 AM EDT, harry hancock <hhancock58@yahoo.com> wrote:

I have practiced law some 32 years and never once had a problem as a professional. I don't intend to start now. That said, it is YOUR choice to file the motion you believe is supported by law. As I do not represent you in that regard, I am not requiring you to file a motion. I merely made the suggestion. If you elect, I intend prior to trial or for any applicable deadline you may have.

With all due respect,

Harry
On Monday, May 15, 2023 at 05:33:39 PM EDT, J Sn[redacted] wrote:

Mr. Hancock,

Since the court denied the motion and made a determination that I must argue My 1-32 defense pro se before the court only (not to the jury), I will file the motion to dismiss. I do not want any issues with the clerk of court and Mr. Crowe saying they cant accept My filing or respond to Me.. Please notify them that I will be filing the motion. I most certainly appreciate and need your representation at trial regarding law and fact issues.

Thanks for Your time, and have a good evening.

On Monday, May 15, 2023 at 05:10:19 PM EDT, harry hancock <hhancock58@yahoo.com> wrote:

As I have said, for the second time, my consideration of the lack of authority for your arguments, please continue to assert this position with me. I am committed to my decision.

Would I need to have written arguments that you want for me to represent you at the trial on the law present? OR, do you desire to represent yourself pro se?

If I represent you, I will not be making the arguments you have proposed and I have repeatedly explained my decision.

With all due respect,

Harry

On Monday, May 15, 2023 at 04:45:51 PM EDT, J Sn[redacted] wrote:

Mr. Hancock,

I don't want to make frivilous arguments either. I have asked You 3 times to explain My error in reasoning in terms of the law. I just asked again and you still won't answer. I am your client. You shouldn't just answer that an explanation is not worth your time. You said previously that My question wasnt worthy of a reasonable articulated legal response. I don't see where I'm wrong.. please show Me. Please review the prior email in which I sent My view of the law pertaining to the religious burden defense and state limitations in enforcement and provide a valid legal explanation of My error. I'm asking a 4th time now. Thanks.. I do respect Your time.

On Monday, May 15, 2023 at 04:24:57 PM EDT, harry hancock <hhancock58@yahoo.com> wrote:

Johnathan,

I respectfully disagree with your assessment. Perhaps you have a view of the law that you feel is reasonable. I just disagree. If I go to a doctor and tell him I need a hip replacement and it turns out I was wrong, the doctor has

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JUL 25 2023
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CAYCE, SC 29171

[redacted] wrote:

Mr. Daniels,

Testimony is limited to factual matters. You would be wrong that the law which you are accused of clearly would preclude anyone charged with the traffic violations AS A MATTER OF LAW.

Cases are composed of 2 elements, law and facts. For the purpose of your written motion, you don't need to argue the facts. As I understand your position it is a matter of law. You can even attach your motion that you are not disputing any factual elements, only arguing the impact of the law and your rules of interpretation as to the traffic stop statutes you are charged.

Duplicate charges or deal to jeopardy is solid case to win cases charge on the same facts more than once

In order for the burden to shift, you must first make the arguments you have. The city will respond that the judge can rule on the arguments of law.

I presume you are filing a written motion?

Best,

Harry
On Wednesday, May 24, 2023 at 02:53:18 PM EDT, J Sn[redacted] wrote:

Hello Mr. Hancock.

I have a couple of questions for you.

1. What do I need to do to be sworn in to give testimony in a hearing for a motion to dismiss?

2. What are duplicate charges? For example, if I was charged with a 1st offense 2 times, both before any convictions, is the second charge considered a second offense...or something else?

3. At the motion to dismiss hearing, once the burden of proof shifts to the prosecution to show that they are not violating the Constitution and SC 1-32, would I be allowed to question or challenge their position?

Thanks,
Johnathan

On Monday, May 15, 2023 at 10:57:45 PM EDT, J Sn[redacted] wrote:

Mr. Hancock,

Thanks. We are clear on that. Have a good night.

On Monday, May 15, 2023 at 07:35:34 PM EDT, harry hancock <hhancock58@yahoo.com> wrote:

Mr. Daniels,

Let me be crystal clear with you: the Court denied the motion for a continuance. There was no ruling requiring you to file a motion.

[redacted] wrote:

...ified otherwise. I trust you understand that I am not exposing myself to liability for malpractice moving on [redacted] without merit.

Harry

On Monday, May 15, 2023 at 04:15:16 PM EDT, J Sn[redacted] wrote:

Mr. Hancock,

Simply put, I don't want to present frivolous arguments to the court. I explained My understanding of the law...and asked you to explain what was wrong with My reasoning. Instead of a discussion of the laws and precedents, you keep responding with philosophical [redacted] which attempts to have Me lay down My protected rights...with no legal explanations.

For example, if I misread a statute or misunderstood a precedent, as My appointed attorney, I think you should explain in a way I can understand... Not a discussion of the Magna Carter and the 1st constitutional Congress. So I think you're failing Me in that regard.

Additionally, and importantly, I don't see how the state legislature could pass a law allowing for the defense at SC 1-32, while the judiciary of the state prohibits you from arguing the defense...all under the requirement that I be guaranteed an attorney in My criminal defense.

Your explanations are vague and unhelpful to Me. I could use some legal advice here...not philosophical advice. Besides all this though... If what you say is true, then no attorney in the state could or would help Me...so what's the point of a motion replacing you?

Johnathan

On Monday, May 15, 2023 at 03:49:53 PM EDT, harry hancock <hhancock58@yahoo.com> wrote:

Mr. Daniels,

Let me be clear. I am ethically prevented from arguing any religious discrimination relative to your rights. That is not open to me. After reviewing your arguments, I find them frivolous and without any basis in law or fact. I have advised you of this on the past. If this causes you concern, you may get on the Court for me to be relieved and you may hire whomever you wish.

Best regards,

Harry

On Monday, May 15, 2023 at 03:16:14 PM EDT, J Sn[redacted] wrote:

Mr. Hancock,

I don't understand what this means...and I was appointed counsel because I can't afford to hire one.

On Monday, May 15, 2023 at 02:48:05 PM EDT, harry hancock <hhancock58@yahoo.com> wrote:

7/26/23, 2:13 PM Yahoo Mail - Re: Cayce appeal

In short, it is my advice as well. I am only proposing this step. The responsibility for all of the consequences, the ultimate relief and responsibilities of any choice of action you make in this regard

Best

Harry

On Monday, May 15, 2023 at 02:18:24 PM EDT, J Sinclaire <jhessesq@yahoo.com> wrote:

Mr. Hancock,

Disappointing that the motion was not granted. Please notify Me ASAP once a trial date is set. Seems I have to get prepared...a lot to learn.

Johnathan

On Friday, May 12, 2023 at 10:12:25 AM EDT, Harry Hancock <hancock08@yahoo.com> wrote:

Hi Daniels,

I made motion and arguments for continuance. Court denied motion. I will file a de jure under position that I can argue facts and statutory violations only. The transcripts were to be ridiculous pictures of a prick, but I said can be heard by court only and you will be allowed to make that argument and so.

Harry

Sent from my iPhone

On May 2, 2023, at 1:29 PM, Harry Hancock <hancock08@yahoo.com> wrote:

Yes.

I have advised the Clerk's office you would like for me to request the continuance. I will also touch base with City attorney prior to 12th.

Best

Harry

On Tuesday, May 2, 2023 at 01:26:37 PM EDT, J Sinclaire <jhessesq@yahoo.com> wrote:

Hello Mr. Hancock,

I just wanted to be clear in that I am requesting that you make the motion for a continuance at the earliest convenience. Please let Me know as soon as possible what the court's decision is.

Also, I do not plan to personally attend the jury selection on May 12th 2023 and ask that you handle any jury selection matters.

Thanks,

7/26/23, 2:13 PM Yahoo Mail - Re: Cayce appeal

[1] The advocate has a duty to use legal procedure for the fullest benefit of the client's cause, but also a duty not to abuse legal procedure. The law, both procedural and substantive, establishes the limits within which an advocate may proceed. However, the law is not always clear and never is static. Accordingly, in determining the proper scope of advocacy, account must be taken of the law's ambiguities and potential for change.

[2] The filing of an action or defense or similar action taken for a client is not frivolous merely because the facts have not first been fully substantiated or because the lawyer expects to develop vital evidence only by discovery. What is required of lawyers, however, is that they inform themselves about the facts of their clients' cases and the applicable law and determine that they can make good faith arguments in support of their clients' positions. Such action is not frivolous even though the lawyer believes that the client's position ultimately will not prevail. The action is frivolous, however, if the lawyer is unable either to make a good faith argument on the merits of the action taken or to support the action taken by good faith argument for an extension, modification or reversal of existing laws.

[3] The lawyer's obligations under this Rule are subordinate to federal or state constitutional law that entitles a defendant in a criminal matter to the assistance of counsel in presenting a claim or contention that otherwise would be prohibited by this Rule.

Thanks,

Johnathan Daniels

On Tuesday, March 21, 2023 at 09:10:14 AM EDT, Harry Hancock <hancock08@yahoo.com> wrote:

I can make a request for the continuance on the grounds that we don't want to commit changes in awaiting decision on appeal - Hopefully the will persuade the court to wait for an opinion

Harry

Sent from my iPhone

On Mar 21, 2023, at 1:37 AM, J Sinclaire <jhessesq@yahoo.com> wrote:

Ok Mr. Hancock. Thanks very much for explaining this position. How could an average person read these statutes and come to the conclusions you put forth? We are not jurists. I wonder if the higher courts would apply your view to punish Me for misinterpreting these statutes when plain reading results in so different an interpretation?

7/26/23, 2:13 PM Yahoo Mail - Re: Cayce appeal

Johnathan,

On Tuesday, April 25, 2023 at 07:40:29 AM EDT, J Sinclaire <jhessesq@yahoo.com> wrote:

---- Forwarded Message ----
From: Harry Hancock <hancock08@yahoo.com>
To: J Sinclaire <jhessesq@yahoo.com>
Sent: Monday, April 24, 2023 at 08:50:14 AM EDT
Subject: Re: Cayce appeal

Last request Re: continuance

Harry

Sent from my iPhone

On Apr 24, 2023, at 8:32 AM, J Sinclaire <jhessesq@yahoo.com> wrote:

Mr. Hancock,

I have been thinking on this. I have decided that, since you will not present my defense before the court, the motion for continuance is the best thing to do. The grounds for the motion should be that my defense depends on whether the Appellate Court finds the plea agreement in the prior case to be valid or not, and that Court's decision on other matters presented in the appeal. Cayce wants to select a jury on May 12, 2023... So, I'd ask that the motion be made before then so that it don't waste the municipal court's time. Please let Me know when the motion for continuance will be presented, as I would like to attend any and all hearings in the case.

Also...and I'm just asking here... Doesn't Item 3 in the comment section of Rule 3.1 allow you to present My SC section 1-32 defense before the courts? I know you've said you don't want to do it, and to prevent distrust in your advocacy, you should know that I don't intend to coerce you into doing so. I'm just asking for my knowledge.

RULE 3.1: MERITORIOUS CLAIMS AND CONTENTIONS

A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law. A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, may nevertheless so defend the proceeding as to require that every element of the case be established.

Comment

7/26/23, 2:13 PM Yahoo Mail - Re: Cayce appeal

Being that this issue is already before the Court Of Appeals, it appears as though I'll get an answer one way or the other.

As for our relationship, in which I trust there is confidence and privacy, I can still use your help. I think it would be appropriate to not go further in this case until the Court Of Appeals makes its rulings on the validity of the plea and the SC 1-32 defense, both issues from the prior case.

This is reasonable because, although I believe that the plea was invalid, if the appellate court says that it is valid, I still have an absolute right to benefit from the plea agreement...i.e., to have the option to get a license and registration after which the prosecutor has agreed to nolle prosse the charges in this case.

Also, once the appellate court decides for or against My SC 1-32 defense and/or religious accommodation, I can then let the municipal court know I received a favorable ruling or I can make an expedited decision to comply with the laws of the state and have the current charges dropped under the plea agreement.

Do you think the municipal court would wait until the appeal is decided? I am not wanting to get away with anything, only to be accommodated if the law allows for it. So long as I can go before God having tried My best, I trust I'll be shown mercy.

If the law has no path to accommodate Me, I will comply. I would like a fair decision to be made on the issue first though.

Thanks for all of your time Mr. Hancock. What is the likelihood that the court would wait on the appellate decision?

Thanks,

Johnathan Daniels

On Monday, March 20, 2023 at 09:19:21 PM EDT, Harry Hancock <hancock08@yahoo.com> wrote:

The "exception" you refer to is merely a policy but a matter of the law. There would be no reason to keep federal courts open if the state courts could ignore federal law. Further, if the exception is available only to you, then everyone else is being discriminated against. Please note that each state, under the Comity Clause, must allow non-state citizens with access to benefits of the US on a temporary basis, before the citizens become "resident" and "citizen".

Each position I hold reminds me of the Green Mythical persona of Pennsylvania. Pennsylvania is one of the states in MLB where games were only to be played during daylight hours. So, for many years the Phillies won the only ball park with real turf in the league, but they could never host a game because it would be too dark to see the ball. It was not until the lights were installed that the Phillies could host a game. Similarly, the US citizen's rights, as guaranteed by the Constitution, are only to be exercised in the light of the Federal Government. Any attempt to exercise those rights in the dark of the State Government is met with punishment. This is the ironic twist of the Green Mythical persona.

Simply, I'm not asking for a reversal of the entire legal principles with respect to the Federal Government's authority over and above the doctrine of the rule of law as it relates to the supremacy of the United States Constitution and the role of the Federal Government in which it is the supreme authority of the land, and as to whether or not, your approach is appropriate for this to

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recognize the principles of the constitution correctly, and there is not a shred of logic which can be applied to defend unconstitutional mandates framed in terms of demanding compliance.

Hence, as to the statements you make and the point of legal language you extract as uncompromising and inflexible aspects that do embody my discomforts of compelled naked submittal that I am made of. From a reading of your thoughts on the matter, it appears you are not receiving for me trust in legal analyses, but an exception to your personal comfortability under the Law. Now, you are not the only person in our society who has made such an assumption(s). Each time those assumptions originate, only the uninformed are penalized. No offense meant, this is just as it appears to me.

The scope of your undertaking is to attack the philosophical base of the laws of the State. When the sovereign states consented not to form the US, they had a discussion of what philosophical foundations would be violent to the constitution and which had to be abandoned as contrary to the architecture of the land. Slavery was the most simple point we'd make it. Some culture remained intact, but had to be proven in priority to insure no person of the Country had a legal basis of superiority at the time of the forming of the US. History tells us those words have truly served to legally support populations in the US to secure their rights when at the time of inception it did not.

I know you have asked me to read your argument and make comments. I have read your arguments and find no accuracy to address. In order to discuss your position I would need to disregard all that I know in law of the law in general and to research and research. It would not serve as a meaningful means to address how your ruling replaces fact to "fit" within the current legal structure where it exists. You lack an understanding for the fluid spirit and principles of which you try to explain. Therefore, any rebuttal on my arguments are not possible.

Again, no offense meant, but I am not persuaded by the points you have.

Best regards,

Harry

On Monday, March 20, 2023 at 07:20:01 PM EDT, Johnathan Daniels <johnathandaniels@yahoo.com> wrote:

Ok. Two questions then:

Wouldn't driving unlicensed and unrestricted for 90 days a year be less restrictive and "less onerous" to My religious excercise than prohibiting Me from driving year round? I say yes...by far less restrictive.

Wouldn't granting a permit rather than requiring the registration be "less onerous" to My religious excercise? I say yes...

You give general answers to specific questions. So I don't know if You're addressing the law I sent to You... How can a Constitutionally genuine compelling state interest "allow appreciable damage to go unprohibited"? The Supreme Court said that it cannot be the case... So the availability of an exemption that allows unlicensed drivers to drive in this state for 90 days a year...does not cast a "compelling interest" shadow... Same for the registration. Please answer in regards to the law I've put forth in the 4 point email I sent earlier. I'm still uncertain as to which of these laws is not the root law.

Thanks,

Johnathan Daniels

On Monday, March 20, 2023 at 06:16:23 PM EDT, Harry Hancock <hhancock48@yahoo.com> wrote:

Sent from my iPhone

State has a law on a compelling state interest in protecting life. As opposed to a food safety law presuming a state chicken is healthier than out of state chicken.

I cannot think of a less onerous means than registering a DL if a person wants a to drive.

Without these I need to support your arguments. I don't see how you may show an adequate curtailment of your religious freedom. The Supreme Court's position is based on separation of church and state. And may be a position cannot even be compromised to decide a matter.

Sent from my iPhone

On Mar 20, 2023, at 5:57 PM, Johnathan Daniels <johnathandaniels@yahoo.com> wrote:

Thanks. Not rushing you if you can't respond today... I outlined the defense with law references. Is 4 point explanation. Is that not a reasonable interpretation?

Thanks again,

Johnathan Daniels

On Monday, March 20, 2023 at 05:20:39 PM EDT, Harry Hancock <hhancock48@yahoo.com> wrote:

In challenge of a plea, as my belief you would need to file motion for relief from prior judgment based on changed circumstances. At this is NO deal with is in reality.

The motion for relief would be based on new facts or showing the unanswered did not yield are applied upon results since at the time of the Ure.

Harry,

Sent from my iPhone

On Mar 20, 2023, at 4:41 PM, Johnathan Daniels <johnathandaniels@yahoo.com> wrote:

Ok. Please let Me know what You think of the defense. I emailed an explanation.

On Monday, March 20, 2023 at 03:44:14 PM EDT, Harry Hancock <hhancock48@yahoo.com> wrote:

Leaving a shred of the case to appeal on denial. Not as a requirement for a DL.

Sent from my iPhone

On Mar 20, 2023, at 3:41 PM, Johnathan Daniels <johnathandaniels@yahoo.com> wrote:

Mr. Hancock,

Sorry to email again Mr. Hancock, but you did not respond to the question I sent earlier regarding the plea deal/benefit which is being heard by the SC Court Of Appeals this Tuesday.

Please respond when you can.

Thanks,

Johnathan Daniels

On Monday, March 20, 2023 at 03:28:12 PM EDT, Johnathan Daniels <johnathandaniels@yahoo.com> wrote:

Mr. Hancock,

Also FYI: Wisconsin v. Yoder, 406 U.S. (1972) was a parental rights case, which determined when a compelling interest test was to be applied. The case had nothing to with licensing at all.

I really understand My defense and am capable of presenting it effectively with your help. Last time I was charged in Cayce, city judge and prosecutor abused to manipulated procedure to prevent Me from presenting the defense on the record. A reoccurrence should be avoidable with your help.

Thanks,

Johnathan Daniels

On Monday, March 20, 2023 at 03:03:04 PM EDT, Johnathan Daniels <johnathandaniels@yahoo.com> wrote:

Mr. Hancock,

Ok. I believe that I must know this law better than anyone in the state...lol. I've researched it extensively and relied on it or nearly 10 years in many aspects of My life, wherever My religious beliefs have been substantially burdened. Although not an attorney, some have said I'm pretty smart.

In My efforts trying to convince you to provide effective representation; I will show you the following.

1. That My right to First Amendment protection is constitutionally legitimate;

2. That the state interests involved are not constitutionally compelling.

3. That less restrictive means exist than requiring Me to register My truck and use an SCDL.

4. That this defense can be legally argued by an attorney in South Carolina;

Once you see that the law is in My favor, I only ask that you help present My defense effectively. I'll keep this short.

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1. As to right to First Amendment protection being legit... As part of My free religious exercise, I sincerely believe that the state uses fictional personas and corporate names to ensnare persons in a franchising scheme. I sincerely believe that these all caps fictional names would enslave Me to serve an undisclosed state franchisee, which I sincerely believe to be a form of bondage. My resistance to bondage is not a political issue, but a religious one. I am commanded by the Apostle James Bede, at Galatians 1-7, which reads, "I stand fast therefore in the liberty wherewith Christ has made us free, and be not entangled again with the yoke of bondage."

2. One (1) cannot judge the legitimacy nor accuracy of My sincerely held religious beliefs and (2) must accept My sincere claim that My religious exercise is burdened by My being made to use a SCDL which I believe bears a fictitious/franchise name and puts Me into bondage, or to register My truck under the fictitious/franchise name created by the state.

The Law:

"[T]he extent to which the policy of free choice and individual conscience is required to further a compelling state interest [is] to be determined by the religious claimant's sincerity in his religious beliefs." *Thomas v. Review Bd. of Ind. Employment Sec. Div.*, 450 U.S. 707, 716 (1981).

"The question about [the sincerity of a religious belief] is not whether it is 'acceptable, logical, consistent, or comprehensible to others.' Instead, the only relevant questions are whether [the claimant] sincerely holds the particular beliefs and whether those beliefs are religious in his scheme of life." *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 724 (2014).

"Where a religious objector sincerely believes that participating in [a] will violate his or her religious beliefs, and that belief is rooted in religion, courts must accept the objector's claim." *Hobby Lobby*, 573 U.S. at 724; *see also Doe ex rel. Doe v. Chiles*, 136 F.3d 709, 714 (11th Cir. 1998) ("Substantial burden on an objector's religious exercise is essential on the basis of the objector's sincerely held religious belief." *Hobby Lobby*, 573 U.S. at 724. "[R]egardless and in most judicial contexts, [courts] are not competent to determine . . . the plausibility of a religious claim." *Id.* (citation omitted). A religious belief is exercised if religion is substantially burdened if the law prescribes behavior with the effect of either violating [a] religious belief or suffering a substantial penalty. *Hobby Lobby*, 573 U.S. at 726; *see also Hobby Lobby*, 573 U.S. at 735, 761 (2014).

Government may neither compel affirmation of a repugnant belief, *Torcaso v Watkins*, 367 U. S. 488, nor penalize or discriminate against individuals or groups because they hold religious views abhorrent to the authorities, *Fowler v Rhode Island*, 345 U. S. 67; cases cannot overemphasize the truth of falsity of religious beliefs. *United States v Ballard*, 322 U.S. 78 (1944).

The U.S. Supreme Court has clearly ruled that "religious beliefs need not be acceptable, logical, consistent, or comprehensible to others in order to merit First Amendment protection." *Thomas v Review Bd. of Ind. Employment Security Div.*, 450 U. S. 707, 714 (1981). The door of the Free Exercise Clause stands visibly closed against any governmental regulation of religious belief, as held in *Cantwell v Connecticut*, 310 U. S. 296, 310 (U.S. 1940).

2. The laws in question (licensing and registration) regulate state interests which are not genuinely Constitutionally compelling. The statutes that govern the vehicle registration and driver's license requirements, South Carolina § 56-1-20 and South Carolina § 56-3-110, are not generally applicable, and their complimentary statutes allow many exemptions for secular purposes; These exemptions allows complete circumvention of the licencing requirement, and near complete circumvention of the registration requirement. Both § 56-1-20 and South Carolina § 56-3-110 are subject to strict scrutiny in this case, and failing other compelling interest or least restricted means will avail My SC 1-32 defense.

The Law:

Under South Carolina § 56-1-20, the State is willing to suffer a wholly unlicensed driver to drive a motor vehicle unimpeded on its public roads for 90 days a year and under 56-3-120 and 56-3-150, the State exempts these vehicles under which it provides special permits allowing the operation of unregistered vehicles on State roads for discretionary periods of time. Each of these requirements is regulated through laws and statutes that allows exemptions, which have applicable bearing to the supposedly state compelling interest upheld. It is established in our constitution "[n]o law shall be passed to prohibit the free exercise [of religion]" which is

leaves open a wide field for religious activity and expression [cite] Thomas v. [illegible] 450 U.S. at 714-715 [CITE], concurring in part and concurring in judgment [citation omitted] See Sherbert & v. Verner, 374 U.S. 398, 410-411 (1963).

3. Less restrictive means of regulating My use of the public roads already exists in state law, and I cannot be held to a standard higher than the least restrictive means of regulation. The 10th Amendment right of the state to regulate through the licensing and registration requirements is not challenged here. The state has already decided the limits of what's acceptable in licencing, and that spectrum of regulation ranges from full use of an SCDL all the way to driving unlicensed for 90 days a year, and the state's decided limits for acceptable regulation regarding vehicle registration ranges from full vehicle registration all the way to a written permit allowing the operation of unregistered vehicles on public roads.

The Law:

South Carolina § 56-1-20 and South Carolina § 56-3-110, are not generally applicable, and their complimentary statutes allow many exemptions for secular purposes; under South Carolina § 56-1-20, the State is willing to suffer a wholly unlicensed driver to drive a motor vehicle unimpeded on its public roads for 90 days a year, and under 56-3-120 and 56-3-150, the State exempts these vehicles, for which it provides special permits allowing the operation of unregistered vehicles on State roads for discretionary periods of time.

SECTION 56-1-20. [illegible]

SECTION 56-3-150. [illegible]

4. South Carolina § 1-32-20(2) specifically authorizes the defense and necessary argument to be made in a judicial proceeding and I have a right to an attorney in a criminal judicial proceeding. It must therefore follow that My purported attorney can argue the defense on My behalf.

The Law:

SECTION 1-32-20. Purposes of chapter.

Given all of the above, I don't believe that your position regarding your legal authority to is one supported by the law of this case. But for My lack of court procedure etc., even I would find little difficulty making this argument before any court. However, the last time I was charged in Cayce, political and religious oppression ruled the day. Undoubtedly, prejudices resulting in Constitutional deprivations occurred which robbed Me of justice. All I want is rightful application of the law, and since You are appointed by this court to represent Me, I must ask... Is your reluctance to represent Me rooted in, either, religious prejudice or a deferential allegiance to the city's prosecution of Me? South Carolina § 1-32 is clear and We need not delve into 1650's interpretation of law to try and invalidate this defense.

Again, I do need your help to protect My legal interests and effectively present My defense, even if it's just to protect against Me being railroaded and prevented from presenting the defense on the record.

Thanks For Your Time,

Johnathan Daniels

On Monday, March 20, 2023 at 12:23:35 PM EDT, harry hancock <[illegible]> wrote:

Mr. Daniels,

Here are some excerpts from SC Code to state my position.

SECTION 1-32-10. Purposes of chapter.

The purposes of this chapter are to:

(1) restore the compelling interest test as set forth in Wisconsin v. Yoder, 406 U.S. 205 (1972), and Sherbert v. Verner, 374 U.S. 398 (1963), and to guarantee that a test of compelling state interest will be imposed in all cases and free from any compromise in all cases in which the free exercise of religion is substantially burdened; and

(2) provide a claim or defense to persons whose exercise of religion is substantially burdened by the State.

HISTORY: 1999 Act No. 38, Section 1.

SECTION 1-32-40. Restriction on state's ability to burden exercise of religion.

The State may not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability, unless the State demonstrates that application of the burden to the person is:

(1) in furtherance of a compelling state interest; and

(2) the least restrictive means of furthering that compelling state interest.

What these laws do is to recognize a legal test which requires, that 10th amend provisions regarding states to regulate of are in the interest of public safety be overturned by a COMPELLING state interest. Further, the least restrictive means of remedies on state rights to be qualified was the rule of law in Wisconsin v Yoder et al.

In your case, the law equally burdens ALL religions in their faith in the betterment of public safety. Hence, a state can substantially burden a religious practice if it conflicts with a compelling matter of public safety.

Harry
On Monday, March 20, 2023 at 08:16:12 AM EDT, J Snakens <[illegible]> wrote:

Ok. Thanks. I sent another question regarding a prior plea agreement. Thanks for your time.

Johnathan

On Monday, March 20, 2023 at 08:02:10 AM EDT, harry hancock <[illegible]> wrote:

Mr Daniels,

I am in Court all day in Lancaster County on traffic and hearings. I can offer my opinion on the law when I am done and on record.

Harry

On Monday, March 20, 2023 at 07:50:10 AM EDT, J Snakens <[illegible]> wrote:

Mr. Hancock,

Have you read SC 1-32? Is it Your opinion that SC 1-32, a valid law, cannot be applied in this case? If not, please explain because I am confused. If you could explain this to Me I might change My position. What am I missing? Can SC-1-32, which appears clearly written and easy to understand, and which is required to prevent constitutional violations, not provide a defense that a South Carolina attorney can argue before a court?

Please be specific in your answers and answer each question. I am not trying to go into court as a nut job. What am I misunderstanding about SC 1-32?

Thanks.

Johnathon Daniels

On Monday, March 20, 2023 at 08:37:11 AM EDT, Harry Hancock <[illegible]> wrote:

Thank you Mr Daniels.

I recall seeing the same for under

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The rules of ethics require me to independently evaluate any legal arguments. I believe in our case discussion I independently concluded that was an argument I felt before the result to make. The statute is clear and unambiguous, and I'd argued it would apply to circumstances you described.

As to the appeal, I was not involved in the matter in any case where you plead guilty. I am not not sure of the motion I filed I interpreted myself into the appeal I believe the court may have had an issue with my making such arguments. Again, I am bound by rules of competency. That is why I have never made this argument and therefore have no duty to spread it.

As I understand your position for this decision I identify disagree it has any bearing under the rules of judicial interpretation.

Best regards

Harry

Sent from my iPhone

On Mar 20, 2023, at 5:13 AM, J Sindelle <jonathandaniels@yahoo.com> wrote:

Mr. Hancock,

Ok. Your understanding is incorrect. The appeal was dismissed and remitted based on jurisdictional procedural circumstances. The SC 1-32 defense has never been looked at by any court at any level.

As My attorney, You should review the defense with an open mind. It is a legitimate defense.

I know that no one in your profession, probably including you, wants to see Me succeed in making the defense. You keep trying to get out of assisting Me whenever possible. According to appellate court rules, you were supposed to file the the appeal and then pass Me off to the appellate indigents program. You didn't, and it was likely the reason I filed the appeal with the wrong court.

Now, You rush to presumption that My SC 1-32 defense has been adjudicated as invalid when no such determination has been made.

I only need an attorney to assist with the presentation of the defense and guard against shenanigans that will undoubtedly occur during the trial in efforts to prevent the defense.

I am asking that you help to Me to present the facts and law including SC 1-32...at trial. If You owe an allegiance that prevents you assisting Me, let Me know that. Otherwise, I ask for Your total efforts.

Thanks,

Johnathon Daniels

On Sunday, March 19, 2023 at 08:39:39 PM EDT, Harry Hancock <hharrycockjr@yahoo.com> wrote:

For the appeal I played no role. As I understand it, the appeals were ruled accurately to your guilty plea arguments.

In your pending charges I can advocate for you based on the facts and law only. Therefore, if you plan to re-assert the argument focused on civil questions/rights violation, then it would not be of much help to you. In such cases, you can choose to proceed pro se or hire and pay counsel of your choice.

I will need to discuss this court based on your response.

Best

Harry

Sent from my iPhone

On Mar 19, 2023, at 7:51 PM, J Sindelle <jonathandaniels@yahoo.com> wrote:

Mr. Hancock,

That said, I hope You would reconsider, because I could seriously use Your help.

Thanks,
Johnathon Daniels

On Sunday, March 19, 2023 at 07:28:28 PM EDT, J Sindelle <jonathandaniels@yahoo.com> wrote:

Mr. Hancock,

Thanks for the advice. I was under the impression that You refused to present My arguments before the courts and had withdrawn as counsel. Is this not the case? Please let Me know as soon as possible because I need effective presentation of My defense.

Thanks,
Johnathon Daniels

On Sunday, March 19, 2023 at 11:50:19 AM EDT, harry hancock <hharrycockjr@yahoo.com> wrote:

Hi Mr Daniels,

I hope you are doing well.

Mr. Crowe with the City of Cayce asked me to consult with you about direct communications with him.

There is prohibited by the rules of ethics, that is, if the prosecutor with your personally, he may ... because a witness in the case. If you have any information you wish to discuss I can your appointed attorney for the city court level matters. As you know, I am free of charge to you. However, you are free to hire and pay any attorney you wish.

Best regards,

Harry Hancock

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Re: Cayce appeal

From: harry hancock (hhancock98@yahoo.com)

To: chesssetbyj@yahoo.com

Date: *Thursday, May 25, 2023 at 12:09 PM EDT*

In a legal argument, you are arguing about the applicability of the law to a person of your religious faith- hence an affidavit as to your religious belief would need to be made to the Court as it is a basis for your arguments. An affidavit would suffice, but being sworn to make the statement would be no different.

Harry

On Thursday, May 25, 2023 at 11:58:14 AM EDT, J Snickette <chesssetbyj@yahoo.com> wrote:

Ok. Just to be clear in My question... At the motion to dismiss hearing, the court will take notice of My religious beliefs and practices if they are presented via affidavit rather than sworn before the court?

Thanks.

On Thursday, May 25, 2023 at 11:35:06 AM EDT, harry hancock <hhancock98@yahoo.com> wrote:

I agree you will likely need to disclose your religious basis without getting into the facts of the traffic stop and any statements made thereafter. affidavits are for factual matters. In arguing the law, you would identify the law(s) which are the basis for the charges pending, and your legal analysis as to why it can or cannot apply to your situation.
On Thursday, May 25, 2023 at 10:38:41 AM EDT, J Snickette <chesssetbyj@yahoo.com> wrote:

Mr. Hancock,

Thanks for the response. Yes, I am filing a written motion. Of course, I have little understanding of this procedural stuff, but I believe that certain facts need to be presented to the judge in order for him to make a ruling in My favor. As to the factual details of My claim of substantial religious burden (i.e. what I believe religion wise and why I am claiming the SC 1-32 defense, as well as a Constitutional defense) needs to be presented to the court in a format acceptable by the rules of evidence.

Are affidavits sufficient for this? Or must the testimony be affirmed before the court? I don't want a ruling made thinking that the court has acknowledged facts when the facts won't be considered in the court's ruling.

Please advise.

Thanks,

Johnathan

On Thursday, May 25, 2023 at 09:14:12 AM EDT, harry hancock <hhancock98@yahoo.com> wrote:

Mr. Daniels,

Testimony is related to factual matters. You would be arguing that the law, which you cite as authority, would exclude anyone charged with the traffic violations, AS A MATTER OF LAW.

Cases are composed of 2 elements, law and facts. For the purpose of your written motion, you don't need to argue the facts. As I understand you position it is a matter of law. You can even state in your motion that you are not making any factual denials or statements, only arguing the import of the law, and your rules of interpretation vis a vis the traffic statute sections you are arguing.

Duplicate charges or double jeopardy would relate to the same charge on the same facts, more than once.

In order for the burden to shift, you must first make the arguments you have. The city will respond and the judge can rule on the arguments of law.

I presume you are filing a writtien motion?

Best

Harry
On Wednesday, May 24, 2023 at 02:03:06 PM EDT, J Snickette <chesssetbyj@yahoo.com> wrote:

Hello Mr. Hancock,

I have a couple of questions for you.

1. What do I need to do to be sworn in to give testimony in a hearing for a motion to dismiss?

2. What are duplicate charges? For example, If I was charged with a 1st offense 2 times, both before any convictions, is the second charge considered a second offense....or something else?

3. At the motion to dismiss hearing, once the burden of proof shifts to the prosecution to show that they are not violating the Constitution and SC 1-32, would I be allowed to question or challenge their position?

Thanks,
Johnathan

On Monday, May 15, 2023 at 10:57:45 PM EDT, J Snickette <chesssetbyj@yahoo.com> wrote:

Mr. Hancock,

Thanks. We are clear on that. Have a good night.

On Monday, May 15, 2023 at 07:35:31 PM EDT, harry hancock <hhancock98@yahoo.com> wrote:

Mr. Daniels,

Let me be crystal clear with you- the Court denied the Motion for a continuance. There was no ruling requiring you to file a motion.

I have practiced law some 32 years and have never had a problem as a professional, I don't intent to have one now. That said, it is YOUR choice to file the motion you believe is supported law. As I do not represent you on that position, I am not requiring you to file a motion. I merely made the suggestion IF you want it heard prior to trial or for any appellate strategy you may have.

With all due respect

Harry
On Monday, May 15, 2023 at 05:33:34 PM EDT, J Snickette <chesssetbyj@yahoo.com> wrote:

Mr. Hancock,

Since the court denied the motion and made a determination that I must argue My 1-32 defense pro se before the court only (not to the jury), I will file the motion to dismiss. I don't want any issues with the clerk of court and Mr. Crowe saying they cant accept My filing or respond to Me. Please notify them that I will be filing the motion. I most certainly appreciate and need your representation at trial regarding law and fact issues.

Thanks for Your time, and have a good evening.

On Monday, May 15, 2023 at 05:09:10 PM EDT, harry hancock <hhancock98@yahoo.com> wrote:

As I have sent, for the second time, my assessment of the lack of authority for your arguments, please do not re-assert this position with me. I am committed in my response.

What I need to know at this time is: whether you wish for me to represent you on the facts and law present? OR, do you wish to represent yourself as pro se?

If I represent you, I will not be making the arguments you have proposes and I have repeatedly explained are frivolous.

With all due respect,

Harry

On Monday, May 15, 2023 at 04:56:51 PM EDT, J Snickette <chesssetbyj@yahoo.com> wrote:

Mr. Hancock,

I don't want to make frivilous arguments either. I have asked You 3 times to explain My error in reasoning in terms of the law. I just asked again and you still won't answer. I am your client... You shouldn't just answer that an explanation is not worth your time. You said previously that My question wasnt worthy of a reasonable articulated legal response. I don't see where I'm wrong...please show Me. Please review the prior email in which I sent My view of the law pertaining to the religious burden defense and state limitations in enforcement and provide a valid egal explanation of My error. I'm asking a 4th time now. Thanks...I do respect Your time.

On Monday, May 15, 2023 at 04:24:57 PM EDT, harry hancock <hhancock98@yahoo.com> wrote:

Again,

I respectfully disagree with your assessment. Perhaps you have a view on the law that you feel is reasonable. I just disagree. If I go to a doctor and tell him I want a hip replacement and it turns out I was wrong, the doctor has

committed malpractice. I trust you understand that I will not expose myself to liability for improperly making an argument without merit.

Best

Harry

On Monday, May 15, 2023 at 04:19:10 PM EDT, J Snickette <chesssetbyj@yahoo.com> wrote:

Mr. Hancock,

Here's My problem. I don't want to present frivolous arguments to the court. I explained My understanding of the law...and asked you to explain what was wrong with My reasoning. Instead of a discussion of the laws and precedents, you keep responding with philosophical rhetoric which attempts to have Me lay down My protected rights...with no legal explanations.

For example, if I misread a statute or misunderstood a precedent, as My appointed attorney...I think you should explain in a way I can understand... Not a discussion of the Magna Carter and the first constitutional Congress. So I think you're failing Me in that regard.

Additionally, and importantly, I don't see how the state legislature could pass a law allowing for the defense at SC 1-32, while the judiciary of the state prohibits you from arguing the defense...all under the requirement that I be guaranteed an attorney in My criminal defense.

Your explanations are vague and unintelligible to Me. I could use some legal advice here...not philosophical advice. Besides all this though... If what you say is true, then no attorney in the state could or would help Me..so what's the point of a motion replacing you?

Johnathan

On Monday, May 15, 2023 at 03:49:53 PM EDT, harry hancock <hhancock98@yahoo.com> wrote:

Mr. Daniels,

Let me be clear, I am ethically prevented from arguing any religious discrimination/violation of rights. I do not plan to do this. After reviewing your arguments, I find them frivolous and without any basis in law or fact. I have advised you of this in the past. If this causes you concern, you may petition the Court for me to be relieved and you may hire whomever you wish.

Best regards,

Harry

On Monday, May 15, 2023 at 03:46:44 PM EDT, J Snickette <chesssetbyj@yahoo.com> wrote:

Mr. Hancock,

I don't understand what this means...and I was appointed counsel because I can't afford to hire one.

On Monday, May 15, 2023 at 02:49:55 PM EDT, harry hancock <hhancock98@yahoo.com> wrote:

In addition to my previous email, I am only proposing this step. Please satisfy yourself or other legal counsel on the ultimate rights and responsibilities of any choice of action you make in this regard

Best

Harry

On Monday, May 15, 2023 at 02:18:23 PM EDT, J Snickette <chesssetbyj@yahoo.com> wrote:

Mr. Hancock,

Disappointing that the motion was not granted. Please notify Me ASAP once a trial date is set. Seems I have to get prepared...a lot to learn.

Johnathan

On Friday, May 12, 2023 at 10:12:25 AM EDT, Harry Hancock <hhancock98@yahoo.com> wrote:

Mr Daniels,

I made motion and arguments for continuance. Court denied motion. I will strike jury under position that I can argue facts and statutory violations only. The issue you raise as to religious protection is purely legal and can be heard by court only and you will be allowed to make that argument pro se.

Harry

Sent from my iPhone

On May 2, 2023, at 1:29 PM, harry hancock <hhancock98@yahoo.com> wrote:

Yes,

I have advised the Clerk's office you would like for me to request the continuace, I will also clear it with City attorney prior to 12th.

Best

Harry

On Tuesday, May 2, 2023 at 01:26:37 PM EDT, J Snickette <chesssetbyj@yahoo.com> wrote:

Hello Mr. Hancock,

I just wanted to be clear in that I am requesting that you make the motion for a continuance at the earliest convenience. Please let Me know as soon as possible what the court's decision is.

Also, I do not plan to personally attend the jury selection on May 12th 2023 and ask that you handle any jury selection matters.

Thanks,

Johnathan

On Tuesday, April 25, 2023 at 07:40:29 AM EDT, J Snickette <chesssetbyj@yahoo.com> wrote:

----- Forwarded Message -----
From: Harry Hancock <hhancock98@yahoo.com>
To: J Snickette <chesssetbyj@yahoo.com>
Sent: Monday, April 24, 2023 at 08:50:14 AM EDT
Subject: *Re: Cayce appeal*

I can request the continuance

Harry

Sent from my iPhone

On Apr 24, 2023, at 8:32 AM, J Snickette <chesssetbyj@yahoo.com> wrote:

Mr. Hancock,

I have been thinking on this. I have decided that, since you will not present my defense before the court, the motion for continuance is the best thing to do: The grounds for the motion should be that my defense depends on whether the Appellate Court finds the plea agreement in the prior case to be valid or not, and that Court's decision on other matters presented in the appeal. Cayce wants to select a jury on May 12, 2023... So, I'd ask that the motion be made before then so that I don't waste the municipal court's time. Please let Me know when the motion for continuance will be presented, as I would like to attend any and all hearings in the case.

Also...and I'm just asking here... Doesn't item 3 in the comment section of Rule 3.1 allow you to present My SC section 1-32 defense before the courts? I know youve said you don't want to do it, and to prevent distrust in your advocacy, you should know that I don't intend to coerce you into doing so. *I'm just asking for my knowledge.*

RULE 3.1: MERITORIOUS CLAIMS AND CONTENTIONS

A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, *which includes a good faith argument for an extension, modification or reversal* of existing law. A lawyer for the defendant in a criminal proceeding, or the respondent in a proceeding that could result in incarceration, may nevertheless so defend the proceeding as to require that every element of the case be established.

Comment

[1] The advocate has a duty to use legal procedure for the fullest benefit of the client's cause, but also a duty not to abuse legal procedure. The law, both procedural and substantive, establishes the limits within which an advocate may proceed. However, the law is not always clear and never is static. Accordingly, in determining the proper scope of advocacy, account must be taken of the law's ambiguities and potential for change.

[2] The filing of an action or defense or similar action taken for a client is not frivolous merely because the facts have not first been fully substantiated or because the lawyer expects to develop vital evidence only by discovery. What is required of lawyers, however, is that they inform themselves about the facts of their clients' cases and the applicable law and determine that they can make good faith arguments in support of their clients' positions. Such action is not frivolous even though the lawyer believes that the client's position ultimately will not prevail. The action is frivolous, however, if the lawyer is unable either to make a good faith argument on the merits of the action taken or to support the action taken by good faith argument for an extension, modification or reversal of existing laws.

[3] The lawyer's obligations under this Rule are subordinate to federal or state constitutional law that entitles a defendant in a criminal matter to the assistance of counsel in presenting a claim or contention that otherwise would be prohibited by this Rule.

Thanks,

Johnathan Daniels

On Tuesday, March 21, 2023 at 06:16:14 AM EDT, Harry Hancock <hhancock98@yahoo.com> wrote:

I can make a request for the continuance on the grounds that your defense to current charges is awaiting decision on appeal. Hopefully this will persuade the court to wait for an opinion

Harry

Sent from my iPhone

On Mar 21, 2023, at 1:37 AM, J Snickette <chesssetbyj@yahoo.com> wrote:

Ok Mr. Hancock. Thanks very much for explaining this position. How could an average person read these statutes and come to the conclusions you put forth? We are not jurists. I wonder if the higher courts would apply your view to punish Me for misinterpreting these statutes when plain reading results in so different an interpretation?

Being that this issue is already before the Court Of Appeals, it appears as though I'll get an answer one way or the other.

As for Our relationship, in which I trust there is confidence and privacy, I can still use your help. I think it would be appropriate to not go further in this case until the Court Of Appeals makes its rulings on the validity of the plea and the SC 1-32 defense, both *issues from the prior case.*

This is reasonable because, although I believe that the plea was invalid, if the appellate court says that it is valid, I still have an absolute right to benefit from the plea agreement...i.e. to have the option to get a license and registration after which the prosecutor has agreed to nolle prosse the charges in this case.

Also, once the appellate court decides for or against My SC 1-32 defense and/or religious accommodation, I can then let the municipal court know I received a favorable ruling or I can make an expedited decision to comply with the laws of the state and have the current charges dropped under the plea agreement.

Do you think the municipal court would wait until the appeal is decided? I am not wanting to get away with anything, only to be accommodated if the law allows for it. So long as I can go before God having tried My best, I trust I'll be shown mercy.

If the law has no path to accommodate Me, I will comply. I would like a fair decision to be *made on the issue first though.*

Thanks for all of your time Mr. Hancock. What is the likelihood that the court would wait on the appellate decision?

Thanks,

Johnathan Daniels

On Monday, March 20, 2023 at 09:15:21 PM EDT, harry hancock <hhancock98@yahoo.com> wrote:

The "exceptions" you state as less onerous actually gut the intent of the law- there would be no means to keep habitual drunken drivers off the road, for one. For two, if the exception is available only to you, then everyone else is being discriminated against. Please note that each state, under the Comity Clause, must allow non state residents access to benefits of the US on a temporary basis, hence the difference between "resident" and tourist.

Each position I read reminds me of the Greek mythical persona of Promethius. Promethius thought the gods on Mt. Olympus were unfairly being elevated over others. So, he stole the fire from Zeus (Zeus was the only god with fire), but then found he dind't know what to do with it. I do not mean this as an insult in any way. It simply strikes me that a various and sundry reading of the much larger and detailed landsacape of the defined rights in the Constitution and burdens of US citizens is being selectively taken, and done so out of true context to craft a set of exceptions which serve to demean and cause destruction to the congruous system of rights an responsibilities. I don't believe you are attempting to acheive such a result, but the trained student of Western Democratic culture and poliitical philosophy can see the errors in simple terms. In short, being a citizen of the US entails benefits and burdens. This is the gravity that holds a State/Country together.

Simply constructing various connections of stated legal principles with supposed harms, and arguing one's freedom's are being supplanted at the expense of the rule of law is not academcially accurate, an illogical structure of settled legal principles and creates a hypothetical vaccum in which details supplant the spirit of our system of laws. In short, and again no offense meant, your approach is unprincipled (or fails to

recognize the principles of the constituion correctly) and leads to no system of logic which can be applied to acheive universal fairness- a tenent of democratic structures.

Hence, as to the statements you make and the dicta of legal language you extract in unrecognizable and in isolated snipets fails to embody any discernable or comprehensive legal standad that I am aware of. From a reading of your thoughts on the matter, it appears you are not reaching for the truth in legal analysis, but an exception to your personal accountability under the law. Note, you are not the only person in our society who has made such an undertaking. Each time I have seen this approach employed, only the uninformed are persuaded. No offense meant, this is just as it appears to me.

The scope of your undertaking is to attack the philosophical base of the laws of the State. When the signers of the constitution met to form the US, they had full discussions of what philosophical foundations would be values to the constitution and which had to be abandoned as contradictory to the archituecture of a fair and equal system, to the best simple people could make it. Some values remained values, but had to be placed in priority to insure no person of this Country had a legal basis of superiority at the time of the forming of the US. History tells us those words have truly served to legally support populations in the US to secure full rights when at the time of inception it did not.

I know you have asked me to read your argument and make comments. I have read your arguments and find no accuracy to address. In order to discuss your position I would need to disregard all that I know is true of the law in general and constitutional in specific. It would not serve as a meaningful exercise to explain how your interpreations fail to "fit" within the cogent legal structure which exists. You lack an appreciation for the legal spirit and principles of which you try to explain. Therefore, any interaction on the arguments is not possible.

Again, no offense meant, but I am not persuaded by the positions you take.

Best regards,

Harry

On Monday, March 20, 2023 at 07:20:04 PM EDT, J Snickette <chesssetbyj@yahoo.com> wrote:

Ok. Two questions then.

Wouldn't driving unlicensed and unrestricted for 90 days a year be less restrictive and "less onerous" to My religious excercise than prohibiting Me from driving year round? I say yes...by far less restrictive.

Wouldn't granting a permit rather than requiring the registration be "less onerous" to My religious excercise? I say yes...

You give general answers to specific questions, so I don't know if You're addressing the law I sent to You... How can a Constitutionally genuine compelling state interest "allow appreciable damage to go unprohibited"? The Supreme Court said that it cannot be the case... So the availability of an exemption that allows unlicensed drivers to drive in this state for 90 days a year does not cast a "compelling interest" shadow... Same for the registration. Please answer in regards to the law I've put forth in thw 4 point email I sent earlier. I'm still uncertain as to which of these laws is not the real law,

Thanks,

Johnathan Daniels

On Monday, March 20, 2023 at 06:14:23 PM EDT, Harry Hancock <hhancock98@yahoo.com> wrote:

State traffic laws are seen a compelling state interest in protecting life. As opposed to a food safety law presuming in state chicken is healthier than out of state chicken.

I cannot think of a less onerous means than requiring a DL if a person wishes to drive.

Without these tenets to support your arguments, I don't see how you can show an illegitimate curtailment of your religious freedom. "The Galesian Swords" philosophy is the basis for separation of church and state. And religious practices cannot override legitimate societal matters.

Sent from my iPhone

On Mar 20, 2023, at 5:53 PM, J Snickette <chesssetbyj@yahoo.com> wrote:

Thanks. Not rushing you if you can't respond today... I outlined the defense with law references...a 4 point explanation. Is that not a reasonable interpretation?

Thanks again,

Johnathan Daniels

On Monday, March 20, 2023 at 05:28:38 PM EDT, Harry Hancock <hhancock98@yahoo.com> wrote:

In challenge of a plea, it's my belief you would need to file motion for relief from order or judgment based on changed circumstances. Alford v NC dealt with issue initially.

The motion for relief would be based on new facts, or a showing the agreement did not yield the agreed upon results stated at the time of the plea.

Harry

Sent from my iPhone

On Mar 20, 2023, at 4:17 PM, J Snickette <chesssetbyj@yahoo.com> wrote:

Ok. Please let Me know what You think of the defense. I emailed an explanation.

On Monday, March 20, 2023 at 03:44:14 PM EDT, Harry Hancock <hhancock98@yahoo.com> wrote:

Licensing is an act of the state to compel compliance. Just as a requirement for a DL

Sent from my iPhone

On Mar 20, 2023, at 3:41 PM, J Snickette <chesssetbyj@yahoo.com> wrote:

Mr. Hancock,

Sorry to email again Mr. Hancock, but you did not respond to the question I sent earlier regarding the plea deal/benefit which is being heard by the SC Court Of Appeals this summer/fall.

Please respond when you can.

Thanks,

Johnathan Daniels

On Monday, March 20, 2023 at 03:38:32 PM EDT, J Snickette <chesssetbyj@yahoo.com> wrote:

Mr. Hancock,

Also FYI, Wisconsin v. Yoder, 406 U.S. (1972) was a parental rights case, which determined when a compelling interest test was to be applied. The case had nothing to with licensing at all.

I really understand My defense and am capable of presenting it effectively with your help. Last time I was charged in Cayce, city judge and prosecutor abused or manipulated procedure to prevent Me from presenting the defense on the record. A reoccurrence should be avoidable with your help.

Thanks,

Johnathan Daniels

On Monday, March 20, 2023 at 03:30:04 PM EDT, J Snickette <chesssetbyj@yahoo.com> wrote:

Mr. Hancock

Ok. I believe that I must know this law better than anyone in the state....lol. I've researched it extensively and relied on it or nearly 10 years in many aspects of My life, wherever My religious beliefs have been substantially burdened. Although not an attorney, some have said I'm pretty smart.

In My efforts trying to convince you to provide effective representation, I will show you the following:

1. That My right to First Amendment protection is constitutionally legitimate;

2. That the state interests involved are not constitutionally compelling;

3. That less restrictive means exist than requiring Me to register My truck and use an SCDL;

4. That this defense can be legally argued by an attorney in South Carolina;

Once you see that the law is in My favor, I only ask that you help present My defense effectively. I'll keep this short.

1. As to right to First Amendment protection being legit... As part of My free religious excerise, I sincerely believe that the state uses fictional personas and corporate names to ensnare persons in a franchising scheme. I sincerely believe that these all caps fictional names would enslave Me to serve an undisclosed state franchise, which I sincerely believe to be a form of bondage. My resistance to bondage is not a political issue, but a religious one. I am commanded by the King James Bible, at Galatians 1-7, which reads, "1 Stand fast therefore in the liberty wherewith Christ hath made us free, and be not entangled again with the yoke of bondage."

Courts (1) cannot judge the legitimacy nor accuracy of My sincerely held religious beliefs and (2) must accept My sincere claim that My religious exercise is burdened by My being made to use a SCDL which I believe bears a fictitious/franchise name and puts Me into bondage, or to register My truck under that fictitious/franchise name created by the state.

The Law:

("[I]t is not within the judicial function and judicial competence to inquire whether" someone who has religious qualms with a law has "correctly perceived the commands of [his] faith."). *Thomas v. Review Bd. of Ind. Emp't Sec. Div.*, 450 U.S. 707, 716 (1981). The adherent alone defines the tenets of his or her religious observance. Courts may determine only the sincerity of religious beliefs, not their validity. Even religious beliefs that some reasonable observers would view as implausible are entitled to protection if sincerely held. *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 724 (2014).

Where a religious objector believes that performing an act will violate his or her religious beliefs, and that belief is sincerely held, courts must accept the objector's belief. *Hobby Lobby*, 573 U.S. at 686; see also *New Doe Child #1 v. Congress of the U.S.*, 891 F.3d 578, 586-587 (6th Cir. 2018). Substantial burden on an objector's religious exercise is evaluated on the basis of the objector's own sincerely held religious belief. *Hobby Lobby*, 573 U.S. at 682, 724. ("Repeatedly and in many different contexts, we have warned that courts must not presume to determine … the plausibility of a religious claim." (citations omitted)). A religious believer's exercise of religion is substantially burdened if the law presents the believer with the choice of either violating his or her religious beliefs or suffering a substantial penalty. *Hobby Lobby*, 573 U.S. at 726; see also *Holt v. Hobbs*, 574 U.S. 352, 361 (2015).

Government may neither compel affirmation of a repugnant belief, *Torcaso v. Watkins*, 367 U. S. 488; nor penalize or discriminate against individuals or groups because they hold religious views abhorrent to the authorities, *Fowler v. Rhode Island,* 345 U. S. 67; courts cannot examine the truth or falsity of religious beliefs, *United States v. Ballard*, 322 U.S. 78 (1944).

The U.S. Supreme Court has already ruled that, "religious beliefs need not be acceptable, logical, consistent, or comprehensible to others in order to merit First Amendment protection." *Thomas v. Review Bd. of Ind. Employment Security Div.*, 450 U. S. 707, 714 (1981). The door of the Free Exercise Clause stands tightly closed against any governmental regulation of religious beliefs as such, *Cantwell v. Connecticut*, 310 U. S. 296, 310 U. S. 303.

2. The laws in question (licensing and registration) regulate state interests which are not genuinely Constitutionally compelling. The statutes that govern the vehicle registration and driver's license requirements, South Carolina § 56-1-20 and South Carolina § 56-3-110, are not generally applicable, and their complimentary statutes allow many exemptions for secular purposes. These exemptions allows complete circumvention of the licensing requirement, and near complete circumvention of the registration requirement. Both § 56-1-20 and South Carolina § 56-3-110 are subject to strict scrutiny in this case, and failing either compelling interest or least restrictive means will avail My SC 1-32 defense.

The Law:

Under South Carolina § 56-1-30(3), the State is willing to suffer a wholly unlicensed driver to drive a motor vehicle, unimpeded, on its public roads for 90 days a year; and under 56-3-120 and 56-3-180, the State exempts those vehicles for which it provides special permits, allowing the operation of unregistered vehicles on State roads for discretionary periods of time. Each of these requirements is regulated through laws and statutes that allow exemptions, which leave appreciable damage to any supposedly vital or compelling interest unprohibited. It is established in strict scrutiny jurisprudence that "a law cannot be regarded as protecting an interest 'of the highest order' ... when it

leaves appreciable damage to that supposedly vital interest unprohibited." *Florida Star* v. *B. J. F., supra,* at 541-542 (SCALIA, J., concurring in part and concurring in judgment) (citation omitted). See *Simon & Schuster, Inc.* v. *Members of* N. Y. *State Crime Victims Bd.,* 502 U. S. 105, 119-120 (1991).

3. Less restrictive means of regulating My use of the public roads already exists in state law, and I cannot be held to a standard higher than the least restrictive means of regulation. The 10th Amendment right of the state to regulate through the licensing and registration requirements is not challenged here. The state has already decided the limits of what's acceptable in licensing, and that spectrum of regulation ranges from full use of an SCDL all the way to driving unlicensed for 90 days a year; and the state's decided limits for acceptable regulation regarding vehicle registration ranges from full vehicle registration all the way to a written permit allowing the operation of unregistered vehicles on public roads.

The Law:

South Carolina § 56-1-20 and South Carolina § 56-3-110, are not generally applicable, and their complimentary statutes allow many exemptions for secular purposes. under South Carolina § 56-1-30(3), the State is willing to suffer a wholly unlicensed driver to drive a motor vehicle, unimpeded, on its public roads for 90 days a year; and under 56-3-120 and 56-3-180, the State exempts those vehicles for which it provides special permits, allowing the operation of unregistered vehicles on State roads for discretionary periods of time.

SECTION 56-1-30. Persons exempt from licensing requirements.

The following persons are exempt from licenses under this chapter:

(3) Any nonresident who is at least eighteen years of age and whose home state or country does not require the licensing of operators may operate a motor vehicle for a period of not more than ninety days in any calendar year, if the motor vehicle is duly registered in the home state or country of the nonresident

SECTION 56-3-180. Special permits to operate vehicles otherwise required to be registered and licensed; restrictions.

The department may issue in writing special permits to operate vehicles otherwise required to be registered and licensed under this chapter when the vehicles do not display the required current license plate or plates or registration cards. A special permit issued pursuant to this section, shall specify the date on which the permit expires, and must be carried at all times on the vehicle authorized to be operated.

4. South Carolina §-1-32-30(2) specifically authorizes the defense and necessary argument to be made in a judicial proceeding and I have a right to an attorney in a criminal judicial proceeding. It must therefore follow that My appointed attorney can argue the defense on My behalf.

The Law:

SECTION 1-32-30. Purposes of chapter.

The purposes of this chapter are to:

(1) restore the compelling interest test as set forth in Wisconsin v. Yoder, 406 U.S. 205 (1972), and Sherbert v. Verner, 374 U.S. 398 (1963), and to guarantee that a test of compelling state interest will be imposed on all state and local laws and ordinances in all cases in which the free exercise of religion is substantially burdened; and

(2) provide a claim or defense to persons whose exercise of religion is substantially burdened by the State.

Given all of the above, I don't believe that your position regarding your legal authority to is one supported by the law of this case. But for My lack of court procedure etc., even I would find little difficulty making this argument before any court. However, the last time I was charged in Cayce, political and religious oppression ruled the day. Undoubtedly, prejudices resulting in Constitutional deprivations occurred which robbed Me of justice. All I want is rightful application of the law, and since You are appointed by the court to represent Me, I must ask... Is your reluctance to represent Me rooted in, either, religious prejudice or a deferential allegiance to the city's prosecution of Me? South Carolina § 1-32 is clear and We need not delve into 1850's interpretation of law to try and invalidate the defense.

Again, I do need your help to protect My legal interests and effectively present My defense; even if it's just to protect against Me being railroaded and prevented from presenting the defense on the record

Thanks For Your Time,

Johnathan Daniels
On Monday, March 20, 2023 at 12:22:38 PM EDT, harry hancock <hhancock98@yahoo.com> wrote:

Mr. Daniels,

Here are some excerpts from SC Code to state my position:

SECTION 1-32-30. Purposes of chapter.

The purposes of this chapter are to:

(1) restore the compelling interest test as set forth in Wisconsin v. Yoder, 406 U.S. 205 (1972), and Sherbert v. Verner, 374 U.S. 398 (1963), and to guarantee that a test of compelling state interest will be imposed on all state and local laws and ordinances in all cases in which the free exercise of religion is substantially burdened; and

(2) provide a claim or defense to persons whose exercise of religion is substantially burdened by the State.

HISTORY: 1999 Act No. 38, Section 1.

SECTION 1-32-40. Restriction on state's ability to burden exercise of religion.

The State may not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability, unless the State demonstrates that application of the burden to the person is:

(1) in furtherance of a compelling state interest; and

(2) the least restrictive means of furthering that compelling state interest.

What these laws do is to recognize a legit first amend right, however; the 10th amend provisions requiring states to regulate affairs in the interest of public safety have been found a COMPELLING state interest. Further, the least restricting means of requiring drivers on state roads to be qualified was the rule of the Wisconsin v Yoder case.

In your case, the law equally burdens ALL religious practices (faith) in the betterment of public safety. Hence, a state can substantially burden a religious practice IF it conflicts with a compelling matter of public safety.

Harry
On Monday, March 20, 2023 at 08:15:12 AM EDT, J Snickette <chesssetbyj@yahoo.com> wrote:

Ok. Thanks. I sent another question regarding a prior plea agreement. Thanks for your time.

Johnathan

On Monday, March 20, 2023 at 08:06:40 AM EDT, harry hancock <hhancock98@yahoo.com> wrote:

Mr Daniels,

I am in Court all day in Lacaster County for trials and hearings. I can offer my disposition on the law, when I am cleared from court.

Harry

On Monday, March 20, 2023 at 07:50:19 AM EDT, J Snickette <chesssetbyj@yahoo.com> wrote:

Mr. Hancock,

Have you read SC 1-32? Is it Your opinion that SC 1-32, a valid law, cannot be applied in this case? If not, please ecplain because I am confused. If you could explain this to Me I might change My position: What am I missing? Can SC 1-32, which appears clearly written and easy to understand, and which is required to prevent constitutional violations, not provide a defense that a South Carolina attorney can argue before a court?

Please be specific in your answers and answer each question. I am not trying to go into court as a nut job. What am I misunderstanding about SC 1-32?

Thanks,

Johnathan Daniels

On Monday, March 20, 2023 at 06:37:11 AM EDT, Harry Hancock <hhancock98@yahoo.com> wrote:

Thank you Mr Daniels,

I recall seeing the remititur order.

The rules of ethics require me to independently evaluate any legal arguments. I believe in our prior discussion I independently concluded this was an argument I felt lacked the requisite merit. The statute is clear and unambiguous, and I disagreed it would apply to circumstances you described.

As to the appeal, I was never involved in the underlying case where you plead guilty, thus had no role in the matter. Had I interjected myself into the appeal I believe the court may have had an issue with my making such arguments. Again, I am bound by rules of competency. This is why I have never made this argument and therefore had no duty to appeal it.

As I understand your passion for this position, I simply disagree it has any lawful merit under the rules of judicial interpretation.

Best regards

Harry

Sent from my iPhone

On Mar 20, 2023, at 5:13 AM, J Snickette <chesssetbyj@yahoo.com> wrote:

Mr. Hancock,

Ok. Your understanding is incorrect. The appeal was dismissed and remitted based on jurisdictional/procedural circumstances. The SC 1-32 defense has never been looked at by any court at any level.

As My attorney, You should review the defense with an open mind. It's a legitimate defense.

I know that no one in your profession, probably including you, wants to see Me succeed in making the defense. You keep trying to get out of assisting Me whenever possible. According to appellate court rules, you were supposed to file the the appeal and then pass Me off to the appellate indigents program. You didn't, and it was likely the reason I filed the appeal with the wrong court.

Now, You rush to presume that My SC 1-32 defense has been adjudicated as invalid when no such determination has been made.

I only need an attorney to assist with the presentation of the defense and guard against shenanigans that will undoubtedly occur during the trial in efforts to prevent the defense.

I am asking that you help to Me to present the facts and law, including SC 1-32, at trial. If You owe an allegiance that prevents you assisting Me, let Me know that. Otherwise, I ask for Your best efforts.

Thanks,

Johnathan Daniels

On Sunday, March 19, 2023 at 08:39:39 PM EDT, Harry Hancock <hhancock98@yahoo.com> wrote:

For the appeal I played no role. As I understand it, the appeals courts ruled adversely to your religious based arguments.

In your pending charges I can advocate for you based on the facts and law only. Therefore if you plan to re assert the arguments focused on a religious/civil rights violation, then I would not be of much help to you. In such case you can choose to proceed pro se, or hire and pay counsel of your choice.

I will need to advise the court based on your response

Best

Harry

Sent from my iPhone

On Mar 19, 2023, at 7:51 PM, J Snickette <chesssetbyj@yahoo.com> wrote:

Mr. Hancock,

That said... I hope You would reconsider, because I could seriously use Your help.

Thanks,
Johnathan Daniels

On Sunday, March 19, 2023 at 07:36:25 PM EDT, J Snickette <chesssetbyj@yahoo.com> wrote:

Mr. Hancock,

Thanks for the advice. I was under the impression that You refused to present My arguments before the courts and had withdrawn as counsel. Is this not the case? Please let Me know as soon as possible because I need effective presentation of My defense.

Thanks,
Johnathan Daniels

On Sunday, March 19, 2023 at 11:03:18 AM EDT, harry hancock <hhancock98@yahoo.com> wrote:

Hi Mr.Daniels,

I hope you are doing well.

Mr. Crowe with the City of Cayce asked me to consult with you about direct communications with him.

This is forbidden by the rules of ethics, that is, if he engages with you correctly, he may become a witness in the case. If you have any information you wish to discuss I am your appointed attorney for the city court level matters. As you know, I am free of charge to you. However, you are free to hire and pay any attorney you wish.

Best regards,

Harry Hancock

Re: Notice of Appeal For Filing; RE: State, City of Cayce, Respondent, v. Johnathan M. Daniels, Appellant,

From: Harry Hancock (hancockfax@yahoo.com)

To: chesssetbyj@yahoo.com; epeagler@johnsonsclaw.com

Cc: ernie@peaglerlaw.com; rstuckey@caycesc.gov

Date: Wednesday, November 16, 2022 at 04:09 PM EST

Per rules of professional reposonsibility, I am limited to saying I cannot be involved in the appeal as presented. Additionally, I am not contractually obligated to participate in appeals from the municipal court.

As such, I may need to withdraw as appointed counsel as no municipal court issue can be presented at this time. That being stated, when/if the matter is returned to the Cayce court, I may then be re appointed.

Let me know if you have any questions.

Harry

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On Wednesday, November 16, 2022 at 03:06:12 PM EST, Ernie Peagler <epeagler@johnsonsclaw.com> wrote:

Mr. Hancock:

I am addressing you with this email as I do not want to contact your client directly or without your knowledge. I do not see how a client can file an appeal (interlocutory at that) directly and independently from his attorney on a case where he is represented by counsel.

Sincerely,

Ernie Peagler

DANIEL E. "Ernie" PEAGLER
ATTORNEY AT LAW
PEAGLER LAW FIRM
T 803.764.2009 | F 803.851.4035

3975 SOUTHEASTERN WAY
WEST COLUMBIA, SC 29169

Email: ernie@peaglerlaw.com

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From: J Snickette <chesssetbyj@yahoo.com>
Sent: Wednesday, November 16, 2022 1:44 PM
To: Supreme Court Filings <supctfilings@sccourts.org>; Ernie Peagler <epeagler@johnsonsclaw.com>; Harry Hancock <hancockfax@yahoo.com>
Cc: ernie@peaglerlaw.com; Rachel Stuckey <rstuckey@caycesc.gov>
Subject: Re: Notice of Appeal For Filing; RE: State, City of Cayce, Respondent, v. Johnathan M. Daniels, Appellant,

Mr. Hancock,

As discussed, please advise Mr. Peagler and the Supreme Court Clerk that You are unable to represent Me in this matter and that You have filed information with the Cayce Court regarding that fact; consequently, I am conducting the appeal as an unrepresented party.

I do not think Mr. Peagler has been made aware of this circumstance as of yet.

Regards,

Johnathan Daniels

On Wednesday, November 16, 2022 at 10:39:54 AM EST, Harry Hancock <hancockfax@yahoo.com> wrote:

Received,

Best regards,

Harry Hancock, Esq.
SC Bar no. 065233

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On Wednesday, November 16, 2022 at 10:37:07 AM EST, Ernie Peagler <epeagler@johnsonsclaw.com> wrote:

The Honorable Patricia A. Howard

Clerk, Supreme Court of South Carolina

Post Office Box 11330

Columbia, South Carolina 29211

Ms. Howard:

In response to the below email, I would like to offer the Court some information on the above-referenced appeal and appellant.

As noted in the appeal, our Municipal Judge Brian Jefferies denied Mr. Daniel's motion to dismiss. Prior to a scheduled trial which was set to be held, I verbally requested a motion *in limine* to request the defendant to not bring up issues of law during his trial. After the judge granted my motion, the defendant requested a court-appointed attorney. The request was granted and the trial was continued until Mr. Daniels could meet with the court-appointed attorney Mr. Harry Hancock, who is currently handling the above-referenced tickets.

I would submit that Mr. Daniels' appeal appears to be clearly interlocutory in nature, and would also ask as to whether Mr. Daniels can file motions individually when he is represented by counsel.

I appreciate any guidance the Court can offer in this situation.

By copy of this email to Mr. Hancock and Mr. Daniels, I am notifying him of this communication.

Sincerely,

Ernie Peagler

DANIEL E. "Ernie" PEAGLER

ATTORNEY AT LAW

PEAGLER LAW FIRM
T 803.764.2009 | F 803.851.4035

3975 SOUTHEASTERN WAY

WEST COLUMBIA, SC 29169

Email: ernie@peaglerlaw.com

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From: J Snickette <chesssetbyj@yahoo.com>
Sent: Wednesday, November 16, 2022 10:18 AM
To: Supreme Court Filings <supctfilings@sccourts.org>
Cc: Ernie Peagler <epeagler@johnsonsclaw.com>
Subject: Notice of Appeal For Filing

The Honorable Patricia A. Howard

Clerk, Supreme Court of South Carolina

Post Office Box 11330

Columbia, South Carolina 29211

RE: State, City of Cayce, Respondent, v. Johnathan M. Daniels, Appellant,

Case No. 20210370007763-20210370007764

Dear Ms. Howard:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

(1) Notice of Appeal.

(2) Proof of service of the notice of appeal on the respondent.

(3) Appeal is being filed without a copy of the order that is to be challenged, because no written order issued from the court.

(4) A filing fee of $0.00 for this criminal appeal.

(5) This appeal is being filed with the Supreme Court because such filing is proper under South Carolina Section 14-3-330 (2)(a).

Sincerely,

Johnathan M. Daniels, Appellant, Pro Per

P.O. Box 30651

Columbia, South Carolina 29230

Phone: (803) 770-8863

Email: chesssetbyj@yahoo.com

CC:

Daniel E. Peagler

Prosecutor, City of Cayce

3975 Southeastern Way

West Columbia, SC 29169

Phone: (803) 814-0550

Email: epeagler@johnsonsclaw.com

Attorney for Respondent

Re: Daniels Representation

From: harry hancock (hhancock98@yahoo.com)

To: chesssetbyj@yahoo.com

Date: *Wednesday, November 16, 2022 at 10:35 AM EST*

Yes, Clerk of Court advised my role will be "paused" until your appeal on this matter is resolved.

Best regards,

Harry

On Wednesday, November 16, 2022 at 07:31:24 AM EST, J Snickette <chesssetbyj@yahoo.com> wrote:

Mr. Hancock,

Hello. I assume things went as planned at court yesterday. As You were appointed but unable to represent due to conflict, considering My self representation, are there any special conditions or restrictions I need to know about going forward?

Thanks,

Johnathan Daniels

On Sunday, November 13, 2022 at 01:20:21 PM EST, harry hancock <hhancock98@yahoo.com> wrote:

Mr. Snickette,

Please DO NOT WAIT for me to file my information with the Court on Tuesday. If you believe you have an issue with sufficient basis, you may file at any time. AGAIN, your appeal has not coorelation to the notice I intend to file on Tuesday.

Best regards,

Harry Hancock

On Sunday, November 13, 2022 at 08:27:30 AM EST, J Snickette <chesssetbyj@yahoo.com> wrote:

Good Morning Mr. Hancock,

I am prepared to file the written Notice of Appeal to the Cayce Court. I understand that You are not able to present My arguments to the higher court, and I accept Your explanation as offered last week. Assuming You are allowed to do so, please notify the Cayce Court, as soon as possible, that I will be filing and conducting the appeal Myself; As You are aware, I need to meet deadlines with the higher court.

You also mentioned that You might be available to represent Me on the municipal level should the appeal not resolve the case. I don't know if that is something that the court would need notice of or not.

Thanks,

Johnathan Daniels

Re: Daniels Representation

From: harry hancock (hhancock98@yahoo.com)

To: chesssetbyj@yahoo.com

Date: *Wednesday, November 16, 2022 at 10:37 AM EST*

As to appeal, I have heard your analysis of the issue. As you know, I understand your position, but disagree with the "equal protection" claims.

As for advice on the appeal, procedurally you must strictly adhere to the rules for each court's appellate jurisdiction. I am sorry that I cannot offer any deeper insights, but I am not familiar with what has been done so far. Additionally, if I provide substantive guidance, it would possible entangle me in the appeal itself.

Best regards,

Harry

> On Wednesday, November 16, 2022 at 07:31:24 AM EST, J Snickette <chesssetbyj@yahoo.com> wrote:
>
> Mr. Hancock,
>
> Hello. I assume things went as planned at court yesterday. As You were appointed but unable to represent due to conflict, considering My self representation, are there any special conditions or restrictions I need to know about going forward?
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>
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>
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>
> Good Morning Mr. Hancock,
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You also mentioned that You might be available to represent Me on the municipal level should the appeal not resolve the case. I don't know if that is something that the court would need notice of or not.

Thanks,

Johnathan Daniels

STATE OF SOUTH CAROLINA, PLAINTIFF, VS JOHNATHAN DANIELS, DEFENDANT,	CITY OF CAYCE MUNICIPAL COURT TICKET #'S: 20210370007763-7764 MOTION TO DISMISS, REQUEST FOR ACCOMMODATION, AND NOTICE OF OBJECTION

Pursuant to Rule 110, South Carolina Rules of Criminal Procedure, Johnathan M. Daniels, hereinafter "Mr. Daniels", respectfully files this (1) Motion To Dismiss, (2) Brief Re: Motion to Dismiss and Request For Accommodation, including a Notice Of Objection.

As the court will see outlined and explained in the abovementioned documents, in consideration of South Carolina § 1-32 and the State and Federal Constitutions, the State has failed to state a punishable offense. Importantly, Mr. Daniels is not presenting a "sovereign citizen" argument against the right of the State to require driver's licenses, etc., but rather, that in the application and enforcement of its licensing and registration laws, when viewed in light of the serious burdens imposed on Mr. Daniels' free exercise of religion, the State is acting unlawfully. Any similarity between Mr. Daniels' religiously motivated conduct and that of sovereign citizens is purely an unfortunate coincidence.

In support of his South Carolina § 1-32 and Constitutional defenses, Mr. Daniels outlines his religious beliefs, and proves his claim that the State has substantially burdened his free exercise of religion. Based on the facts of this case, the arguments presented here are certainly meritorious and require this court to take swift and immediate action to dismiss the charges, with prejudice. Further, to uphold its Oath to defend the Constitutions, and to prevent continued violation of Mr. Daniels' protected rights, this court should issue an order

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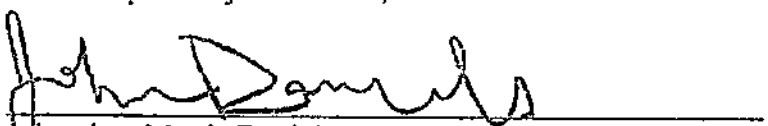
or memorandum directing certain State officials to accommodate Mr. Daniels in the manner requested; doing so would prevent Mr. Daniels being constantly and repeatedly prosecuted by the State for his lawful use of the State's public roadways.

This motion was drafted by a non-lawyer movant, therefore, Mr. Daniels requests that this court extend due patience and give full consideration to the arguments presented.

Most Respectfully Submitted,



Johnathan Martia Daniels, Pro Per
PO Box 30651
Columbia, SC 29230
Chesssetbyj@yahoo.com

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IN THE CITY OF CAYCE MUNICIPAL COURT

STATE OF SOUTH CAROLINA

VS

JOHNATHAN DANIELS

BRIEF RE: Motion To Dismiss
And Request For Accommodation

Submitted To The Court by Johnathan Martia Daniels, Pro Per

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[1] King James Bible, at Galatians 1-7, which reads, "1 Stand fast therefore in the liberty wherewith Christ hath made us free, and be not entangled again with the yoke of bondage. 2 Behold, I Paul say unto you, that if ye be circumcised, Christ shall profit you nothing. 3 For I testify again to every man that is circumcised, that he is a debtor to do the whole law. 4 Christ is become of no effect unto you, whosoever of you are justified by the law; ye are fallen from grace. 5 For we through the Spirit wait for the hope of righteousness by faith. 6 For in Jesus Christ neither circumcision availeth any thing, nor uncircumcision; but faith which worketh by love. 7 Ye did run well; who did hinder you that ye should not obey the truth?"

[2] King James Bible, at Romans 3:19, which reads, "19 Now we know that what things soever the law saith, it saith to them who are under the law: that every mouth may be stopped, and all the world may become guilty before God."

[3] Book of Revelations, at 12:4, which reads, "And his tail drew the third part of the stars of heaven, and did cast them to the earth: and the dragon stood before the woman which was ready to be delivered, for to devour her child as soon as it was born.

STATEMENT OF THE CASE

Written in third person for ease of reading by the court.

On July 22nd, 2021, Johnathan Martia Daniels ("Mr. Daniels") was traveling West on 12th street, near Cayce, South Carolina. Mr. Daniels had been summoned to the Cayce Municipal Court for a mandatory hearing before the court. Mr. Daniels was traveling in his privately owned green Ford Ranger pickup. For religious reasons, Mr. Daniels does not use a state drivers license or vehicle registration. While on his way to court, Mr. Daniels was observed by Officer Kathleen Merritt ("Officer Merritt") of the Cayce Police Department. Mr. Daniels did not have a state authorized vehicle license plate on his truck. Officer Merritt initiated a traffic stop on Mr. Daniels and found that Mr. Daniels had no drivers license. Mr. Daniels did have current insurance coverage on his truck, and a private identifying tag on the rear of his privately owned pickup truck. Officer Merritt issued Mr. Daniels citations for Driving Without A License, 1st Offense and No Vehicle Registration.

In lieu of towing Mr. Daniels' vehicle, Officer Merritt ordered that Mr. Daniels would be allowed to continue to drive for the purpose of attending the abovementioned court hearing. Mr. Daniels did appear at the Cayce Municipal Court approximately 10 minutes after being ticketed by Officer Merritt. Earlier in this case, acting without representation, Mr. Daniels filed a motion to quash and a motion to dismiss (on other grounds). This court denied both motions. Subsequent to the adverse motion rulings, Mr. Daniels was found to be indigent and was appointed an attorney by the court. For various "political" and "ethical" reasons, Mr. Hancock, Mr. Daniels' court appointed attorney, has refused to argue this motion before this court. This motion to dismiss all charges, based on South Carolina § 1-32 and the State and Federal Constitutions, follows. Mr. Daniels presents and argues this motion pro per.

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ROA 160

A. SUMMARY OF THE ARGUMENT

1. Mr. Daniels' religious beliefs and practices are sincerely held.

The court please recognize that Mr. Daniels' defense does not rely on the merits of whether or not he actually had a state drivers license or vehicle registration at the time in question. To the contrary, Mr. Daniels' defense is based on his right to refuse unlawfully restrictive religious burdens imposed on him by the State. The recognition of the right to such religion-based refusal is the Legislature's intent in its passing of South Carolina § 1-32; and is a primary aim of the State and Federal Constitutions as well.

Mr. Daniels is a sincere, and devoutly religious man who has made a great many lifestyle sacrifices in adherence to his religious beliefs. Mr. Daniels is a Sephardic man, descendent of actual and real Hebrew Negros exiled from Europe by authority of the Alhambra Decree of 1492. That decree, and the resulting exile of the Negros, was issued by the Catholic rulers of Europe specifically because of the Hebraic religious ancestry and beliefs of the Negros. As a consequence, Negros who refused to convert to Catholicism were exiled to colonies of the Empire, later hunted down and enslaved under warrant, and many Negros were subsequently moved back to the Americas from whence they had came. Mr. Daniels sincerely believes that he is redeemed by God and freed with the revocation of the Alhambra Decree in 1968, making any enslavement of Negros illegal going back to before 1400 A.D. Mr. Daniels believes that it was not a mere coincidence that Negros in America were extended civil rights in the 1960's, but a result of the worldwide revocation of the order of the Empire that purported to authorize Hebraic Negro enslavement, especially in the New World. After having contracted peace in exile, Mr. Daniels' ancestors suffered betrayal at the hands of the King and Queen of Spain, the King of Portugal, and the Catholic Church, all acting in bad-faith, resulting in the illegitimacy of the Alhambra Decree of 1492.

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Further, Mr. Daniels has a sincere and profound belief that the King James Bible contains Holy Scriptures written specifically for Hebrews surviving in exile, and that those scriptures prescribe that Mr. Daniels is obligated to avoid slavery, peonage, bondage, and involuntary servitude in all forms, at all times (see King James Bible, Galatians 5:1-7[4] & Romans 3:19[5]). Consequently, Mr. Daniels' avoidance of direct slavery, chattel slavery, bondage, peonage, and any form of overt or covert involuntary servitude is religiously motivated and is a central and fundamental tenet of his sincerely held religious beliefs and practices. As Mr. Daniels has affirmed to various State courts, he is duty bound as under Galatians 5:1-6 and Romans 3:19 to avoid slavery, peonage, and any involuntary servitude at all times. Mr. Daniels believes that he exists to serve his God exclusively, and that having already been freed from slavery, he is prohibited to return to the "yoke of bondage."

Mr. Daniels sincerely believes that the State acts on behalf of the "dragon" described in the Biblical book of Revelations at 12:4[6], which entraps children into bondage as soon as they are born of their mothers. Mr. Daniels believes that this entrapment and enslavement is carried out through the use of fictitious and/or corporate names, plagiarized and passed off as

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[4] King James Bible, at Galatians 1-7, which reads, "1 Stand fast therefore in the liberty wherewith *Christ hath made us free, and be not entangled again with the yoke of bondage.* 2 *Behold, I Paul say* unto you, that if ye be circumcised, Christ shall profit you nothing. 3 For I testify again to every man that is circumcised, that he is a debtor to do the whole law. 4 Christ is become of no effect unto you, whosoever of you are justified by the law; ye are fallen from grace. 5 For we through the Spirit wait for the hope of righteousness by faith. 6 *For in Jesus Christ neither circumcision availeth any thing,* nor uncircumcision; but faith which worketh by love. 7 Ye did run well; who did hinder you that ye should not obey the truth?"

[5] King James Bible, at Romans 3:19, which reads, "19 Now we know that what things soever the law saith, it saith to them who are under the law: that every mouth may be stopped, and all the world may become guilty before God."

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[6] Book of Revelations, at 12:4, which reads, "And his tail drew the third part of the stars of heaven, and did cast them to the earth: and the dragon stood before the woman which was ready to be delivered, for to devour her child as soon as it was born.

genuine identities upon unsuspecting children of the Creator. Mr. Daniels believes that the term, "corporate" refers to a dead body, which is not truly alive, but is a lifeless "body" given "psuedo-life" by the State. Mr. Daniels believes that by agreeing to identify as created corporate "persons", and using corporate names to identify themselves, men and women of God erroneously claim death and remove themselves from God's protection. Mr. Daniels believes that Godly People should not live under a false name and identity, but rather, that they should "come in the name of their Creator", given to them by their true Father, and not "come in" a fictitious name assigned by a state as parens patriae. Specifically, Mr. Daniels refuses to use a state driver's license or vehicle registration, which he believes mis-identify him as a dead entity through a plagiarized, corporate version of his true name, which appears in all capital lettering in those documents. Mr. Daniels believes that many government documents address a state-created fictitious corporate "person", while other government documents address him directly, creating a deliberate condition of confusion.

Importantly, if any misunderstanding exists as to the accuracy of Mr. Daniels' conclusions regarding (1) the existence of a surreptitiously created and imposed State franchise or State-created corporate persona and resulting bondage, or (2) exactly which government functions address said corporate persona and which address him directly, the State is culpable for that misunderstanding because the State has remained secretive and repeatedly refused to disclose requested information to Mr. Daniels. Through independent research and legally permissible discovery during litigation with the State over the last ten years, Mr. Daniels has diligently attempted to uncover the State's position and purpose on its creation of corporate "persons", and to prove or disprove which of the State's franchise and/or corporate schemes involve him. The State has refused to respond to the discovery requested, and the State's judges have repeatedly ruled against Mr. Daniels on motions to compel responses from the State in several other cases. The State has never rebutted or

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denied Mr. Daniels' affirmed attestations to the State's surreptitious enfranchisement and mischaracterization of him as a State-created corporate persona. Mr. Daniels has thoroughly investigated the matter, and reasonably concluded that through licensing, registration, and other means, the State has treated him and/or intends to treat him, as either a corporate franchisee of the State, or a State-created corporate person. The State has refused to provide any information to the contrary, leaving Mr. Daniels to sincerely accept his findings as the truth of the matter.

To be absolutely clear, Mr. Daniels is NOT a sovereign citizen, as he believes that only the Most High Creator can be recognized as truly Sovereign. Mr. Daniels is a competent driver, as prior to his "religious awakening", he had held state drivers licenses (in good standing) for over 20 years. Even now, Mr. Daniels pays vehicle taxes and permit fees to the State where due. Until he was unconstitutionally intimidated off of and banned from using the public roads in 2021, Mr. Daniels maintained liability insurance on his private truck at all times. However, due to overzealous and persistent prosecution by City of Cayce, since 2021 Mr. Daniels has had to park his private truck and refrain from using it on the public roads of the State. Mr. Daniels does not deny the State's authority to regulate use of the public roads of the State, nor does he deny the authority of the courts of the State or of the United States. Mr. Daniels does not drive commercially or use State roads for private gain. In short, any similarity between Mr. Daniels' religiously motivated conduct and that of sovereign citizens is purely an unfortunate coincidence.

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2. Mr. Daniels' freedom to exercise his religion, among other protected rights, has been severely and substantially burdened by the State.

Regardless of any State prosecutor's opinion of Mr. Daniels' sincerely held beliefs and practices, government may neither compel affirmation of a repugnant belief, *Torcaso v.*

Watkins, 367 U. S. 488; nor penalize or discriminate against individuals or groups because they hold religious views abhorrent to the authorities, *Fowler v. Rhode Island*, 345 U. S. 67; courts cannot examine the truth or falsity of religious beliefs, *United States v. Ballard*, 322 U.S. 78 (1944).

("[I]t is not within the judicial function and judicial competence to inquire whether" someone who has religious qualms with a law has "correctly perceived the commands of [his] faith."). *Thomas v. Review Bd. of Ind. Emp't Sec. Div.*, 450 U.S. 707, 716 (1981). The adherent alone defines the tenets of his or her religious observance. Courts may determine only the sincerity of religious beliefs, not their validity. Even religious beliefs that some reasonable observers would view as implausible are entitled to protection if sincerely held. *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 724 (2014). The Court has repeatedly emphasized, the reasonableness or truth of religious belief is beyond the competence and purview of the courts. *Id.* at 724.

Where a religious objector believes that performing an act will violate his or her religious beliefs, and that belief is sincerely held, courts must accept the objector's belief. *Hobby Lobby*, 573 U.S. at 686; see also *New Doe Child #1 v. Congress of the U.S.*, 891 F.3d 578, 586-587 (6th Cir. 2018). Substantial burden on an objector's religious exercise is evaluated on the basis of the objector's own sincerely held religious belief. *Hobby Lobby*, 573 U.S. at 682, 724. ("Repeatedly and in many different contexts, we have warned that courts must not presume to determine … the plausibility of a religious claim.") *Id.*

A religious believer's exercise of religion is substantially burdened if the law presents the believer with the choice of either violating his or her religious beliefs or suffering a substantial penalty. *Hobby Lobby*, 573 U.S. at 726; see also *Holt v. Hobbs*, 574 U.S. 352, 361 (2015). The record in this case indicates that Mr. Daniels' beliefs are sincerely held, and that he has possessed the beliefs for years. Reviewing the charges

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brought in this case, Mr. Daniels clearly faces the choice of violating his religious beliefs or suffering a substantial penalty of jail time and fines. Given Mr. Daniels' sincere religious belief that his obtaining a state drivers license and vehicle registration will violate his religious beliefs, and his accompanying claims of State-imposed substantial burden, he has proven beyond any reasonable doubt, that the State has caused him to suffer a substantial burden to his free exercise of religion. This burden results from the State imposing its driver's license and vehicle registration requirements on Mr. Daniels, with no accommodation for his religious beliefs, while simultaneously and completely forbidding his use of the State's public roads until he acts in contradiction to his religious conscious and obtains a state drivers license and vehicle registration.

3. **Again, Mr. Daniels invokes the defense described at South Carolina § 1-32-30, which allows for a defense for persons whose exercise of religion is substantially burdened by this State, along with other Constitutional defenses.**

South Carolina § 1-32-30 allows for the citing of a substantial burden on the free exercise of religion as a valid defense. Mr. Daniels has previously notified this court and other State courts and State officers in 2017, 2018, 2019, 2020, 2021, and 2022, that his sincerely held religious beliefs and practices (1) prohibit his participation in corporate franchising schemes in subjugation to the State, (2) prohibit him from acting as a State-created corporate persona in subjugation to the State, and (3) that these religion based prohibitions prevent his obtaining a state drivers license and vehicle registration. The State has previously been given notice that it is on this religious basis alone that Mr. Daniels has refused to obtain a drivers license or register his private truck. Mr. Daniels hereby raises the defense as allowed at South Carolina § 1-32-30(2), which states (bold added):

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"The purposes of this chapter are to:

(1) **restore the compelling interest test as set forth in Wisconsin v. Yoder, 406 U.S. 205 (1972), and Sherbert v. Verner, 374 U.S. 398 (1963),** and to guarantee that **a test of compelling state interest will be imposed on all state and local laws and ordinances in all cases in which the free exercise of religion is substantially burdened**; and

(2) provide a claim or defense to persons whose exercise of religion is *substantially burdened by the State.*"

South Carolina § 1-32-40 states (bold and underline added), "The State may not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability, **unless the State demonstrates that application of the burden to the person is: (1) in furtherance of a compelling state interest; and (2) the least restrictive means of furthering that compelling state interest.**"

Therefore, the burden of proof now shifts to the State to prove **both**, (1) that it has a Constitutionally genuine compelling state interest in demanding that Mr. Daniels not use the public roads, AT ALL, unless he uses a state issued driver's license and vehicle registration, **and** (2) that the means of regulation the State is imposing upon Mr. Daniels are the least restrictive means available under the law. The State's failure to prove **either** (1) a Constitutionally genuine compelling state interest, **or** (2) that the State is regulating Mr. Daniels' use of the public's roads through the least restrictive means available requires that this court dismiss the charges against Mr. Daniels, with prejudice.

The State's Legislature clearly and unambiguously does not intend for Mr. Daniels' religiously motivated conduct to be considered a crime, violation, or offense. South Carolina § 1-32-30 allows for the citing of a substantial burden on the free exercise of religion as defense to violating ***any*** South Carolina law, regulation, ordinance, rule, or custom.

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As explained above, if any misunderstanding exists as to the accuracy of Mr. Daniels' conclusions regarding the existence of a surreptitiously imposed State franchise or State-created corporate persona, the State itself is culpable for that misunderstanding.

In this present case, Mr. Daniels has already been ticketed and charged, also to be put in jeopardy, and face penalties of jail time and fines, because he used his unregistered private truck on the State's public roadways without a state issued drivers license. As explained above, Mr. Daniels cannot comply with the State law requiring him to use a state drivers license and vehicle registration without putting aside his sincerely held religious beliefs, practices, and obligations. It is obvious that the restrictions placed upon Mr. Daniels' free use of the roadways, along with the suppression of his other protected rights, result directly from the State's laws which restrict or prohibit Mr. Daniels' use of the public roadways until he applies for and is granted (1) a state drivers license and (2) a State vehicle registration. These restrictions and the resulting penalties for his noncompliance constitute a very real and substantial burden on Mr. Daniels' free exercise of his religion, and must be done under strict scrutiny, at a minimum (see South Carolina § 1-32-30). Federal guidelines in similar cases, involving state violation of multiple protected rights, concurrently, also require strict scrutiny.

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4. The state interests protected by South Carolina §§ 56-1-20 and 56-3-110 are not Constitutionally genuine compelling state interests.

For the purposes of this case, Mr. Daniels admits that the state has a compelling interest in regulating of the use of the public roadways. **Importantly however, Mr. Daniels challenges any assertion that, in its regulating the use of the public roads, the State has a Constitutionally genuine compelling state interest in requiring him to (1) use a state driver's license and (2) a State vehicle registration.** The statutes creating the obligations to

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drive only if licensed by the State and only if the vehicle is registered to the State, South Carolina §§ 56-1-20 and 56-3-110, are not laws of general applicability, and both of these obligating statutes have complimentary statutes that allow exemptions for secular purposes. For example, South Carolina § 56-1-30 (the section providing exemptions to a blanket mandatory driver license requirement) permits several classes of persons to be exempted from the licensing requirement, including South Carolina § 56-1-30(3), which allows persons with no license in any jurisdiction whatsoever to drive within this State for 90 days a year, without any form of a driver's license. For a second example, South Carolina §§ 56-3-120 and 56-3-180 (the sections creating exemptions to State vehicle registration), particularly South Carolina § 56-3-120(1) permits persons to be exempted from the vehicle registration requirement altogether.

Once a legislature has carved out an exemption for a secular group or person, the law is no longer "generally applicable," and thus subject to standards of strict scrutiny. As the U.S. Supreme Court opined, "where such a law is not neutral or not of general application, it must undergo the most rigorous of scrutiny: It must be justified by a compelling governmental interest and must be narrowly tailored to advance that interest." *Church of the Lukumi Babalu Aye, Inc. v. Hialeah*, 508 U.S. 520 (1993).

Very importantly, <u>it is established in strict scrutiny jurisprudence</u> that "a law cannot be regarded as protecting an interest 'of the highest order' ... when it leaves appreciable damage to that supposedly vital interest unprohibited." *Florida Star* v. *B. J. F.*, *supra*, at 541-542 (SCALIA, J., concurring in part and concurring in judgment). See *Simon & Schuster, Inc.* v. *Members of* N. *Y. State Crime Victims Bd.*, 502 U. S. 105, 119-120 (1991). The very existence of the abovementioned secular exemptions, as described at South Carolina §§ 56-1-30(3), 56-3-120 (1), and 56-3-180, acts to leave "appreciable damage unprohibited" as to any purported requirements that all persons driving upon the State's

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public roads must use or have a state drivers license and vehicle registration. Thus, according to the U.S. Supreme Court, it follows that the exemptions at South Carolina §§ 56-1-30(3), 56-3-120 (1), and 56-3-180, which create a definite and certain potential for circumvention of South Carolina §§ 56-1-20 and 56-3-110, reveal that South Carolina §§ 56-1-20 and 56-3-110 are obviously not laws protecting an interest 'of the highest order', nor of a 'vital interest.' Therefore, the State cannot reasonably argue that by banning Mr. Daniels from the free use of the public roads of this State, its drivers license and vehicle registration requirements are protecting a Constitutionally genuine compelling state interest. Mr. Daniels directly challenges any notion that the State has a Constitutionally genuine compelling interest in requiring that he be completely forbidden any and all use of the State's public roads until he contradicts his religious conscious to aquire a State drivers license and vehicle registration.

5. The means employed by the State in regulating Mr. Daniels' use of the State's public roadways are not the least restrictive means allowed under the laws of this State.

Additionally, but no less importantly, in light of the very substantial burdens placed on Mr. Daniels' constitutionally protected free exercise of his religion, his property rights, and his right to liberty through travel, the State's methods of regulating his use of the public roadways must take the form of the least restrictive means of regulation.

This State does utilize less restrictive means of regulation in similar circumstances. As discussed above, South Carolina §§ 56-1-30, 56-3-180 and 56-3-120 permit exempted persons to use the State's public roads without being subjected to the requirements of South Carolina §§ 56-1-20 and 56-3-110. Regarding the exemption given at South Carolina § 56-1-30(3), should the prosecution for the State attempt to make a distinction between "resident" and "nonresident", while claiming that Mr. Daniels would be ineligible for the exemption, the argument must fail. This court's recognition of such distinction, if indeed the court were to

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consider it so, would be unreasonable. The reason it would be unreasonable is that Mr. Daniels is not claiming direct access to the benefits of the exemption given at South Carolina § 56-1-30(3), but rather that since this court's determination of "least restrictive means" must be made under "strict scrutiny" due to Mr. Daniels' valid and substantiated claim of State-imposed burden on the free exercise of his religion, which is a statutory as well as a Constitutional claim, the 1st Amendment to the United States Constitution, the Privileges and Immunities Clause of the 14th Amendment, the Equal Protection Clause of the 14th Amendment, as well as the Due Process Clause of the 14th Amendment are all implicated; each of which address treatment of "*citizens of the United States*" and/or "*persons*" within a state, making no distinction between "resident" or "nonresident." Mr. Daniels is a *citizen* of the United States for 1st and 14th Amendment purposes, and also a *person* within the state of South Carolina for 14th Amendment purposes. The simple fact is that under a strict scrutiny analysis involving a proven State-imposed substantial burden to the free exercise of religion of a resident citizen of South Carolina, which requires an inquiry into the least restrictive means of regulation, no basis exists under which a "nonresident" would be extended more rights than a resident citizen of South Carolina. In short, under State law, some "persons" (residential status not being a factor), are allowed to drive in South Carolina, without a drivers license, for 90 days a year. It is a fact that driving 90 days a year, without a license, is less restrictive than Mr. Daniels being completely barred from any use of the State's public roads, solely due to his religious objection to obtaining a state drivers license.

Regarding the exemptions allowed under South Carolina §§ 56-3-120(1) and 56-3-180, were the the State so argue that Mr. Daniels needed to have a permit to be exempted, this argument too must fail. Here again, this is because the 1st Amendment of the United States Constitution, the Privileges and Immunities Clause of the 14th Amendment, the Equal Protection Clause of the 14th Amendment, as well as the Due Process Clause of the 14th

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Amendment are all implicated. Mr. Daniels is not claiming that he has directly qualified for the exemption to vehicle registration allowed under South Carolina §§ 56-3-120(1) and 56-3-180. However, his Constitutional and South Carolina § 1-32 defenses do not require that Mr. Daniels demonstrate that he was approved for the exemption. In response to the prosecution's claim that the State is regulating Mr. Daniels by the "least restrictive means" as to vehicle registration, Mr. Daniels need only show the existence of the exemption as one that is less restrictive, and demonstrate that he has tried to obtain the permit, which he has done (although it was not issued through the fault of the State's regulating agency). Mr. Daniels previously contacted the SCDMV for obtaining a permit under South Carolina § 56-3-180, but did not receive an affirmative response, nor any guidance to obtain the permit. Like the prosecutors in this case, and prosecutors in other cases previously brought by City Of Cayce (of which this court should be aware), the SCDMV failed to recognize and uphold Mr. Daniels' protected rights. After multiple inquiries made to various State agencies, attorneys, and prosecutors, no guidance for making the permit application and request for accommodation has ever been given to Mr. Daniels by any State officer or official in response to his notices of undue substantial religious burden and religious objection to obtaining a state drivers license and vehicle registration.

Importantly: Mr. Daniels has not failed to act in accordance with any statutory requirement to obtain the permit allowed under South Carolina § 56-3-180. South Carolina Title 56, the section of law that codifies the legal requirement for drivers licenses and vehicle registration, is void of any guidance directing a course of action to someone subjected to an undue substantial religious burden as a result of the statute's provisions; further, Mr. Daniels' attempt to contact the SCDMV for a permit resulted in no permit being issued. Regarding the vehicle registration charge in this case, the State cannot, on one hand, claim to regulate Mr. Daniels by the least restricitve means, while on the other hand actively deny him the permit

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alternative to vehicle registration, and then subsequently prosecute him for having neither registration nor permit. Taken together, these actions indirectly prohibit Mr. Daniels' use of his truck on the State's public roads, and directly punish him for his religion based refusal to obtain a State vehicle registration. Doing so inevitably deters or discourages the exercise of First Amendment rights of religious freedom, and thereby threatens to "produce a result which the State could not command directly." *Speiser v. Randall.* at 357 U. S. 526 (1958).

It is beyond any reasonable argument that the alternative regulatory means, recognized by the exemptions given at South Carolina §§ 56-1-30(3), 56-3-120(1), and 56-3-180, are far less restrictive than those the State is imposing on Mr. Daniels. Therefore, no reasonable argument can be made that totally banning Mr. Daniels from using the State's public roads, until he complies with using a state drivers license and vehicle registration, is the least restrictive means of regulating his use of the public roads in this State.

To be clear, Mr. Daniels is not arguing that the State should allow him to use the public roadways sans any regulation whatsoever, but rather that the State has already set its limits and parameters for (1) regulating persons who drive within this State without a driver's license and (2) regulating unregistered vehicles used on the public roads of this State. These previously set parameters allow for Mr. Daniels to be regulated by the State through means which are less restrictive than completely forbidding his use of the State's public roads due to his not using a state driver's license and vehicle registration. Furthermore, because of Mr. Daniels' religious beliefs and practices, and proven substantial burden, the State is obligated to extend these less restrictive modes of regulation to Mr. Daniels. For this court to allow further prosecution of Mr. Daniels on these charges would be to deny him Constitutionally required religious accommodation and to contribute to the violation of the laws of this State and the United States.

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Further, governmental preference cannot be given to secular conduct and purposes, which is subsequently denied to Mr Daniels' religiously motivated conduct and purpose. Doing so inevitably deters or discourages the exercise of First Amendment rights of religious freedom, and thereby threatens to "produce a result which the State could not command directly." *Speiser v. Randall*, at 357 U. S. 526 (1958). Likewise, to condition the availability of privileges upon a claimant's willingness to violate principles of his religion effectively penalizes his free exercise of constitutional rights. *Id.* at 357 U. S. 518. Similar to the denial of exemptions for religious reasons in the present case, "to deny an exemption to claimants who engage in certain forms of speech is, in effect, to penalize them for such speech." *Id.* at 357 U. S. 518. As the Court addressed the issue in *Fowler v. Rhode Island*, government cannot, "penalize or discriminate against individuals or groups because they hold religious views abhorrent to the authorities", *Fowler v. Rhode Island*, 345 U. S. 67. Therefore, Mr. Daniels cannot lawfully be punished, or penalized, for exercising his protected rights to free exercise of his religion, freedom of liberty through travel, and rights to property.

C. MR. DANIELS IS SAFE AND COMPETENT IN HIS USE OF AUTOMOBILES AND, AGAIN, SEEKS REASONABLE ACCOMMODATION.

Importantly, Mr. Daniels is safe and competent in his use of automobiles, having previously passed State drivers knowledge and skills tests. Mr. Daniels has previously possessed drivers licenses in multiple jurisdictions, and is not suspended or barred from obtaining a license in any jurisdiction, whatsoever. Mr. Daniels has been accused of only one moving violation in the last 10 years, and convicted of none (excepting one City Of Cayce case pending appeal before the South Carolina Court of Appeals, case # 2022-001437). Mr. Daniels has had no accidents during that time, and maintains financial responsibility for any liability arising from his use of automobiles.

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This court please note that, "The right to travel is part of the 'liberty' that a citizen cannot be deprived of without due process of law." *Kent v. Dulles*, supra, 357 U.S. at 357 U. S. 125.[7]; *U.S. v. Laub* 385 U.S. 475. Importantly, this court please also note that Mr. Daniels was never, and is not currently, required by law to park his truck and live under a self-imposed ban from travel upon the public roadways. According to the U.S. Supreme Court decision in *Shuttlesworth v. Birmingham,* Mr. Daniels need not wait on the State to come around to realizing that he must be accommodated in these matters. "Persons faced with an unconstitutional licensing law which purports to require a license as a prerequisite to exercise of rights... may ignore the law and engage with impunity in exercise of such right." *Shuttlesworth v. Birmingham* 394 U.S. 147 (1969).

Further, "If [state] officials construe a vague statute unconstitutionally, the citizen may take them at their word, and act on the assumption that the statute is void." *Id* at 394 U.S. 147. Nonetheless, to avoid constant arrest and persistant and retaliatory prosecution by State actors and agencies, Mr. Daniels has been forced to abstain from the free exercise of his rights. In the present case, the laws as generally applied may not be vague, but as construed by State officials in application to Mr. Daniels, as an individual (as required by State and Federal law), the laws are being enforced unconstitutionally, and are therefore void. Mr. Daniels has given notices, requested accommodation, and not been accommodated or offered any guidance.

To this day, and subsequent to receiving notices of Mr. Daniels' religious based objections, various State officers with thorough knowledge of his objections have made

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[7] Kent v.Dulles 357 U.S. 125 (1958). The U.S. Supreme Court held that the right to travel is an inherent element of "liberty" that cannot be denied to American citizens. Although the Executive may regulate the travel practices of citizens, by requiring them to obtain valid passports, it may not condition the fulfillment of such requirements with the imposition of rules that abridge basic constitutional notions of liberty, assembly, association, and personal autonomy.

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offers to NOT prosecute him for various traffic related "crimes", IF Mr. Daniels would comply with the State's licensing and registration requirements sans accommodation. This is an unlawful deprivation of rights under color of law and a use of intimidation to deny rights; further still, it is likely an unlawful abuse of prosecution, as the State has unreasonably conditioned Mr. Daniels' religious rights, his right to travel, and his property rights on his willingness to cast aside his sincerely held religious beliefs and practices.

It is not reasonable in any interpretation of the State and Federal Constitutions, or the decisions of the U.S. Supreme Court, that this State can unlawfully violate a citizen's Constitutionally protected right to the free exercise of religion, and other protected rights, in pursuit of roadway regulation.

Further, the State is violating a plethora of laws by not making any accommodation for Mr. Daniels' sincerely held religious beliefs and practices, as well as violating his right to liberty through travel. Further still, in forcing Mr. Daniels to park his truck and let it rot, the State has unlawfully deprived him of its natural use and purpose, thus violating his property rights without fair compensation.

The failure by this State to provide accommodation to Mr. Daniels or to offer any useful guidance has resulted in his being essentially denied the freedom to utilize the State's public roadways even though the State does (1) permit other unlicensed persons to travel unmolested on the State's roads for 90 days each year, and (2) other persons to drive unregistered vehicles by permit; the sole distinction being Mr. Daniels' religion based refusal to obtain a state drivers license and vehicle registration.

The resistance by the State in accommodating Mr. Daniels puts him into constant litigation with the State and deprives him of protected rights. The frequency and extent of the constant harrassing prosecution and the repetitive need to defend in court are, in and of themselves, substantial and heavy burdens. In light of his religious beliefs and the State's

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continued noncompliance with the law, Mr. Daniels will likely be forced to obtain a writ of mandamus to force some State agencies to accommodate him, but such a Federal process cannot begin until various State litigation is concluded. In the meantime, Mr. Daniels has been, and continues to be denied, lawful access to use the State's public roads.

Importantly, this court please note that the State's violation of Mr. Daniels' constitutionally protected right to the free exercise of his religion (U.S. Constitution, 1st & 14th Amendments and South Carolina Constitution Article 1, Section 2), while **concurrently** violating his property rights (U.S. Constitution, 4th, 5th, & 14th Amendments and South Carolina Constitution Article 1, Sections 3, 10, & 13), and **concurrently** violating his right to liberty through travel (U.S. Constitution, 5th & 14th Amendments and South Carolina Constitution Article 1, Section 3) constitutes a "hybrid situation", which empowers Federal courts to examine the State's actions under "strict scrutiny."

Here once again, as a religious accommodation, Mr. Daniels is demanding that while he lives in South Carolina, he (1) be exempted from the requirement to obtain a drivers license in a manner similar to that allowed under South Carolina § 56-1-30(3), and that (2) he be extended a special permit status as allowed under South Carolina §§ 56-3-120(1) and 56-3-180.

If the State refuses accommodation as demanded above, Mr. Daniels demands that the State recognize him as a God created natural person and NOT a corporate person in any interactions between himself and the state, and that his true given name (not a surreptitiously created all-caps, fictional corporate/franchise name) must be placed on any and all documents relating to interactions between the State and himself.

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D. NOTICE OF OBJECTION

Here for a third time in this case, Mr. Daniels is notifying this court, as he has notified this court in his earlier motion to quash and motion to dismiss, that he invokes the defense allowed at South Carolina § 1-32. Although this court ruled against Mr. Daniels on each of those prior motions, timely objections were placed on the record. Mr. Daniels objected at both prior hearings because, once Mr. Daniels notified the court of his South Carolina § 1-32 defense, explained his sincerely held religious beliefs, and demonstrated a substantial State-imposed burden on his free exercise of religion, this court never shifted the burden of proof to the prosecution, as is required by South Carolina § 1-32-40. In hearing both prior motions, this court never demanded that former city prosecutor Peagler meet the requirements of South Carolina § 1-32-40, nor did the former prosecutor attempt to present, argue, or even so much as discuss the State's obligation to prove (1) that it had a Constitutionally genuine compelling state interest, and (2) that the State was regulating Mr. Daniels by the least restrictive means of regulation. As a result of former city prosecutor Peagler's failure to demonstrate such, as required by law, this court was required to immediately dismiss the charges against Mr. Daniels, with prejudice. This court erred by not doing so.

Although Mr. Daniels is making this present motion, it should not be construed as Mr. Daniels laying down his prior objections in this case. Mr. Daniels maintains his prior objections to this court's previous adverse rulings. Mr. Daniels was and remains unrepresented in making these motions, and it is only because of the mistake made in his filing his previous appeal of this case to the wrong court, that higher State courts have not reviewed and corrected this court's prior error. In Mr. Daniels' view, this court has shown an unbelievable bias and prejudice against his rights and interests in this case, and in others. Hopefully, this court will act now, in accordance with the law, and demand that the State prosecutor make a showing that the State is acting lawfully.

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ROA 178

In any case, this court please take this as notice that, if this court denies this present motion for dismissal, that ruling is under immediate appeal to the Lexington County Circuit Court, as will be this court's adverse rulings on the previously heard motion to quash and motion to dismiss. Mr. Daniels has a great respect for the Judiciary of this State, but has had his protected rights repeatedly trampled by City Of Cayce officials. Mr. Daniels takes the time here to state his objections once again.

As Mr. Daniels in unrepresented in making this motion, despite this court having appointed him an attorney (one that is a stern political, ethical, and conscientious objector to Mr. Daniels' chosen legal defense), Mr. Daniels apologizes to the court if the tone and tenor of this objection is lacking in decorum. Please consider that Mr. Daniels is ignorant of the limits of strident advocacy in legal defense, and in no way intends to cross any lines in addressing this court.

This court please note, that although Mr. Hancock (the attorney appointed by this court to represent Mr. Daniels, due to indigence) is a kind man, Mr. Daniels also objects to his court appointed attorney's refusal to draft and argue this motion before this court, for what appear to be "political" and "ethical" reasons. Mr. Hancock also refused to help Mr. Daniels with the appeal filed earlier in this case; that appeal was ultimately filed in the wrong court, and remitted to this court only due to that filing error. Mr. Daniels sees no reason why his court appointed attorney "must not" present this legitimate defense on his behalf, the implication being that it is Mr. Daniels' "duty" to forego his protected rights and fall on the sword to preserve the political status quo of the State. Therefore, due to Mr. Hancock's objections to presenting Mr. Daniels' South Carolina § 1-32 and Constitutional defenses before the courts, Mr. Daniels distrusts his advocacy, relative to the specifics of those defenses, and speaks for himself on those matters; Mr. Hancock has assisted Mr. Daniels regarding selected procedural matters only.

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E. CONCLUSION

THIS COURT PLEASE NOTE *that* Mr. Daniels objects to any informal dismissal or nolle prossing of the charges in this case which result in an inconclusive determination of his concerned rights going forward. Prior cases being nolle prossed by various State prosecutors have not prevented continued violations of Mr. Daniels protected rights. Therefore, it is necessary to have the issues decided, on the record, with finality so that the State and Mr. Daniels can take responsible action to prevent further deprivation of his protected rights.

In light of the above, the Mr. Daniels respectfully requests that this court grant this motion to dismiss, while creating a clear and concise record of issues determinant of this court's decision, and provide any further relief or accommodation within the court's authority to so order.

It is further requested that this court issue an order or other advisory memorandum reasonably calculated to inform appropriate State officials that Mr. Daniels must be exempted from the requirement to obtain a drivers license in a manner similar to that allowed under South Carolina § 56-1-30(3), and that (2) Mr. Daniels must be extended a special permit status as allowed under South Carolina §§ 56-3-120(1) and 56-3-180; **or in the alternative**, that Mr. Daniels must be recognized as a God created natural person and NOT a corporate person in interactions between himself and the state, and that his true given name (not a surreptitiously created all-caps, fictional corporate/franchise name) must be placed on any and all documents relating to interactions between Mr. Daniels and the State, after which, Mr. Daniels would be allowed a reasonable time period in which to obtain a state drivers license and vehicle registration showing his true name, with proper capitalization, which is amenable to his religious beliefs; **and any other such order** that this court finds Constitutionally appropriate.

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Most Respectfully Submitted,

Johnathan Martia Daniels, Pro Per
PO Box 30651
Columbia, SC 29230
Chesssetbyj@yahoo.com

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ROA 181

STATE OF SOUTH CAROLINA, PLAINTIFF, VS JOHNATHAN DANIELS, DEFENDANT,	CITY OF CAYCE MUNICIPAL COURT TICKET #'S: 20210370007763-7764 AFFIDAVIT

I, Johnathan Daniels, being (1) over 18 years of age, (2) of sound mind and ability, and (3) having firsthand knowledge of the matters affirmed herein do affirm that:

1. I am a sincere, and devoutly religious man who has made a great many lifestyle sacrifices in adherence to My religious beliefs.
2. I am a Sephardic man, descended of actual and real Hebrew Negros exiled from Europe by authority of the Alhambra Decree of 1492. My understanding of this decree, and the resulting exile of Negros, is that the decree was issued by the Catholic rulers of Europe, specifically because of the Hebraic ancestry and religious beliefs of the Negros. As a consequence, Negros who refused to convert to Catholicism were exiled to colonies of the Empire, later hunted down and enslaved under warrant, and many Negros were subsequently moved back to the Americas from whence they had come.
3. I sincerely believe that I am redeemed by My God and freed with the revocation of the Alhambra Decree in 1968, making any enslavement of Negros illegal going back to before 1400 A.D.
4. I believe that it was not a mere coincidence that Negros in America were extended civil rights in the 1960's, but that it was a result of the worldwide revocation of the order of the Empire that purported to authorize Hebraic Negro enslavement, especially in the New World.

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ROA 182

5. After having contracted peace in exile, My ancestors suffered betrayal at the hands of the King and Queen of Spain, the King of Portugal, and the Catholic Church, all acting in bad-faith, resulting in the illegitimacy of the Alhambra Decree of 1492.
6. I have a sincere and profound belief that the King James Bible contains Holy Scriptures written specifically for Hebrews surviving in exile, and that those scriptures prescribe that I am obligated to avoid slavery, peonage, bondage, and involuntary servitude in all forms, at all times.
7. I am duty bound, as under Galatians 5:1-6 and Romans 3:19 to avoid slavery, peonage, and involuntary servitude at all times.
8. I am ever-vigilante in My avoidance of direct slavery, chattel slavery, bondage, peonage, and any form of overt or covert involuntary servitude, because My doing so is central and fundamental to My sincerely held religious beliefs and practices.
9. I believe that I exist to serve My God exclusively, and that I, having already been freed from slavery, am prohibited to return to the yoke of bondage.
10. I sincerely believe that the State acts on behalf of the "dragon" described in the Biblical Book of Revelations at 12:4, which entraps children into bondage as soon as they are born of their mothers.
11. I believe that this entrapment and enslavement is carried out through the use of fictitious and/or corporate names, plagiarized and passed off as genuine identities upon unsuspecting children of God.
12. I believe that the term, "corporate" refers to a dead body, which is not truly alive but given a "psuedo-life" by the State. I believe that by agreeing to identify as a created corporate "persons", and using corporate names, men and women of God erroneously claim death and remove themselves from their Creator's protection.
13. I believe that Godly People should not live under a false name and identity, but rather, that they should "come in the name of their Creator", given to them by their true Father, and not "come in" a fictitious name assigned by a state as parens patriae.

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14. I refuse to use a state driver's license or vehicle registration, which I believe mis-identifies Me as an enslaved dead entity through a plagiarized, corporate version of My true name, which appears in all capital lettering in those documents.
15. I believe that many government documents address a state-created fictitious corporate "person", while other government documents address Me directly, creating a deliberate condition of confusion as to which communications address a corporate person and which do not.
16. My position, regarding (1) the existence of a surreptitiously created and imposed State franchise or State-created corporate persona and resulting bondage, and (2) exactly which government functions address said corporate persona and which address Me directly, is that the State is culpable for any misunderstanding because the State has remained secretive and repeatedly refused to disclose requested information to Me.
17. Through independent research and legally permissible discovery during litigation with the State over the last ten years, I have diligently attempted to understand the State's purpose and position on its creation of corporate "persons", and sought to prove or disprove which of the State's franchise and/or corporate schemes involve Me.
18. The State has refused to respond to My discovery requests, and the State's judges have repeatedly ruled against Me on motions to compel responses from the State in several other cases. However, the State has never rebutted or denied My affirmed attestations to the State's surreptitious enfranchisement and mischaracterization of Me as a State-created corporate persona.
19. I have thoroughly investigated the matter, and reasonably concluded that through licensing, registration, and other means, the State has treated Me and/or intends to treat Me, as either a corporate franchisee of the State, or a State-created corporate person.
20. The State has refused to provide any information contrary to My conclusions given at claim "19." above, leaving Me to sincerely accept My findings as the truth of the matter.

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ROA 184

21. I am a competent driver, as I have held state drivers licenses, in good standing, for over 20 years.
22. I do not drive commercially or use public roads for private gain.
23. Where due, I pay vehicle taxes and permit fees to the state of South Carolina.
24. Until I was unconstitutionally intimidated off of and banned from using the public roads in 2021, I maintained liability insurance on My pickup truck at all times.
25. Due to overzealous and persistent prosecution by City of Cayce, since 2021, I have been forced to park My truck and refrain from using it on the public roads of the State.
26. I do not deny the State's authority to regulate use of the public roads of the State, nor do I deny the authority of the courts of the State or of the United States.
27. I am NOT a sovereign citizen, as I believe that only the Most High Creator can be recognized as truly Sovereign.
28. I have previously contacted the SCDMV for obtaining a permit under South Carolina § 56-3-180, but did not receive an affirmative response, nor any guidance on how to obtain the permit.
29. I sincerely believe that any similarity between My religiously motivated conduct and that of sovereign citizens is purely an unfortunate coincidence.

Further Affiant Sayeth Not.

Affiant Signature

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JURAT
State of South Carolina
Richland County

Johnathan M. Daniels affirms the above statements true and complete, under penalty of perjury. Further Affiant Sayeth Not.

Sworn to before me on 31st day of May, 2023

Nathan Evans
Notary Signature

NATHAN EVANS
Notary Public
State of South Carolina
My Commission Expires Jun 23, 2032

06/23/2032
My Comission Expires

STATE OF SOUTH CAROLINA, PLAINTIFF, VS JOHNATHAN DANIELS, DEFENDANT,	CITY OF CAYCE MUNICIPAL COURT TICKET #'S: 20210370007763-7764 CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I, Johnathan Daniels, hereby certify that on May 31st, 2023, I served copies of Motion to Dismiss, Brief, & Affidavit. on Danny Crowe at 2019 Parks Street, Columbia, SC 29201 by way of U.S. Mail.

Signature _____

Printed Name Johnathan Daniels.

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CAYCE MUNICIPAL COURT
#2 LAVERN JUMPER ROAD
POST OFFICE BOX 3408
CAYCE, SC 29171
PHONE: (803) 739-0113 FAX: (803) 739-5360

06/09/2023

HARRY A. HANCOCK
ATTORNEY AT LAW
368 GAULEY DRIVE
COLUMBIA, SC 29212

Defendant: JOHNATHAN MARTIA DANIELS
Ticket/Warrant : 20210370007764
Charge: TRAFFIC / OPERATING OR PERMITTING OPERATION OF VEHICLE WHICH IS NOT REGISTERED AND LICENSED.

Dear JOHNATHAN MARTIA DANIELS,

This letter will confirm that the above matter is scheduled for a Jury Trial on FRIDAY, AUGUST 11, 2023 at 9:00 A.M. at The City of Cayce Police Department Building, #2 Lavern Jumper Road, Cayce, SC 29033. By copy of this letter to all parties involved, I am notifying them of the date and time for this trial. Any defendant not present for trial when his/her case is called will be tried in absentia by the Court. A defendant's failure to appear may be contrued by the Court as a Waiver of Jury Trial and the matter(s) may be tried by Bench Trial in absentia. If you have any questions prior to that time, please do not hesitate to contact me at (803) 739-0113 or via e-mail at jwise@cayccsc.gov.

Sincerely,

Justin Wise
Assistant Clerk of Court

CAYCE MUNICIPAL COURT
#2 LAVERN JUMPER ROAD
POST OFFICE BOX 3408
CAYCE, SC 29171
PHONE: (803) 739-0113 FAX: (803) 739-5360

06/09/2023

HARRY A. HANCOCK
ATTORNEY AT LAW
368 GAULEY DRIVE
COLUMBIA, SC 29212

Defendant: JOHNATHAN MARTIA DANIELS
Ticket/Warrant : 20210370007763
Charge: TRAFFIC / DRIVING WITHOUT A LICENSE - 1ST OFFENSE

Dear JOHNATHAN MARTIA DANIELS,

This letter will confirm that the above matter is scheduled for a Jury Trial on FRIDAY, AUGUST 11, 2023 at 9:00 A.M. at The City of Cayce Police Department Building, #2 Lavern Jumper Road, Cayce, SC 29033. By copy of this letter to all parties involved, I am notifying them of the date and time for this trial. Any defendant not present for trial when his/her case is called will be tried in absentia by the Court. A defendant's failure to appear may be contrued by the Court as a Waiver of Jury Trial and the matter(s) may be tried by Bench Trial in absentia. If you have any questions prior to that time, please do not hesitate to contact me at (803) 739-0113 or via e-mail at jwise@caycesc.gov.

Sincerely,

Justin Wise
Assistant Clerk of Court

The South Carolina Court of Appeals

Johnathan Daniels, Appellant,

v.

The City of Cayce, Respondent.

Appellate Case No. 2022-001598

ORDER

This appeal arises out of two verbal orders issued by the magistrate court. Because this court lacks jurisdiction, this appeal is dismissed. *See* S.C. Code Ann. § 18-7-10 (2014) ("When a judgment is rendered by a magistrates court . . . the appeal shall be to the circuit court of the county wherein the judgment was rendered . . . ."). The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

FOR THE COURT

Columbia, South Carolina

cc:
Johnathan M. Daniels
Daniel Ernest Peagler, Esquire
Alan McCrory Wilson, Esquire
William M. Blitch, Jr., Esquire

FILED
Nov 29 2022

The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211

1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

March 10, 2023

The Honorable Rachel Stuckey
1800 12th Street
Cayce SC 29033

REMITTITUR

Re: Johnathan Daniels v. The City of Cayce
Lower Court Case No. 20210370007763-7764
Appellate Case No. 2022-001598

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

Jenny A. Kitchings

CLERK

Enclosure

cc: Johnathan M. Daniels
Daniel Ernest Peagler, Esquire
Alan McCrory Wilson, Esquire
William M. Blitch, Jr., Esquire

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#2 LAVERN JUMPER ROAD
POST OFFICE BOX 3408
CAYCE, SC 29171
PHONE: (803) 739-0113 FAX: (803) 739-5360

04/12/2023

HARRY A. HANCOCK
ATTORNEY AT LAW
368 GAULEY DRIVE
COLUMBIA, SC 29212

Defendant: JOHNATHAN MARTIA DANIELS
Ticket/Warrant : 20210370007764
Charge: TRAFFIC / OPERATING OR PERMITTING OPERATION OF VEHICLE WHICH IS NOT REGISTERED AND LICENSED.

You are hereby advised that the above matter is scheduled on the Jury Strike/Trial Roster on FRIDAY, MAY 12, 2023 at 8:15 A.M. in the Cayce Municipal Court, located at City Council Chambers at 1800 12th St, Cayce, SC 29033.

This is NOT a Pretrial Conference. Jurors will be selected at this hearing.

ANY REQUEST FOR CONTINUANCE MUST BE IN WRITING and received by Cayce Municipal Court by three(3)days prior to the court date. If you are requesting a continuance due to a conflict with another court, a copy of the summons or roster is required. NO CONTINUANCE REQUEST WILL BE GRANTED OVER THE PHONE OR AFTER one(1) day prior to court. If a request for continuance is sent by fax, please email jwise@caycesc.gov to verify receipt of fax. A copy of the jury list will be available for pick up three(3) days prior to the court date. You may obtain a copy of the jury list from the Clerk of Court located at #2 Lavern Jumper Road Cayce, SC 29033. Any defendant not present for trial when his/her case is called will be tried in absentia by the Court. A defendant's failure to appear may be construed by the Court as a Waiver of Jury Trial and the matter(s) may be tried by Bench Trial in absentia. If you have any questions prior to that time, please do not hesitate to contact me at (803) 739-0113.

Sincerely,

Justin Wise
Assistant Clerk of Court
jwise@caycesc.gov

CAYCE MUNICIPAL COURT
#2 LAVERN JUMPER ROAD
POST OFFICE BOX 3408
CAYCE, SC 29171
PHONE: (803) 739-0113 FAX: (803) 739-5360

04/12/2023

HARRY A. HANCOCK
ATTORNEY AT LAW
368 GAULEY DRIVE
COLUMBIA, SC 29212

Defendant: JOHNATHAN MARTIA DANIELS
Ticket/Warrant : 20210370007763
Charge: TRAFFIC / DRIVING WITHOUT A LICENSE - 1ST OFFENSE

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This is NOT a Pretrial Conference. Jurors will be selected at this hearing.

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If you have any questions prior to that time, please do not hesitate to contact me at (803) 739-0113.

Sincerely,

Justin Wise
Assistant Clerk of Court
jwise@caycesc.gov

November 14th, 2022

Ms. Stuckey,

Please file this notice of appeal in the referenced case for which an attorney was appointed. The appointed attorney, Mr. Hancock, has advised Me to go ahead and send this notice ASAP, given that he will not be in court until Tuesday. I have cc'd You on my recent request to Mr. Hancock to make sure You're aware of My representation status; that being that Mr. Hancock has a conflict in presenting the legal argument of My defense and that I will be prosecuting the appeal Myself? I might also suggest that this letter is filed with the notice, in case it is needed in the future.

Apart for the court's copy of the notice, a service copy for Mr. Peagler is enclosed. I also ask that You stamp and return a copy of the notice of appeal to Me in the preaddressed stamped envelope.

Thanks,

Johnathan Daniels

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THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CITY OF CAYCE
Municipal Court

Bryan Jeffries, Municipal Judge

Case No. 20210370007763-7764

The State, Respondent,

v.

Johnathan M. Daniels, Appellant.

NOTICE OF APPEAL

Pursuant to South Carolina 14-3-330 (2)(a), Johnathan M. Daniels submits this interlocutory appeal from two separate orders made by the Honorable Bryan Jeffries on November 7, 2022, which denied Appellant's motion to dismiss and granted the prosecutor's motion to limit evidence.

Judge Jeffries' denial of Appellant's motion to dismiss allows retaliatory criminal prosecution of Appellant for Appellant's exercise of substantial constitutionally protected rights, including the rights to freedom of religion, free speech, liberty, and trial by jury; while concurrently, the judge's granting of the prosecution's motion to limit evidence deprives Appellant of the right to present evidence for his defense allowed under South Carolina Section 1-32 to the jury, effectively denying Appellant of the right to a trial by jury. Appellant received verbal notice of both orders on November 7, 2022. No written order issued from the municipal court.

Further, Appellant hereby informs the South Carolina Supreme Court that, in reality, there are no genuine factual disputes in this matter and the case should be decided as a matter of law. Taken together, the orders from which Appellant appeals will decide the action, and this Court's intercession at this point will prevent an unjust judgment from which an appeal will be taken at a later date. If this Court does not intervene, unlawful deprivation of constitutionally and statutorily protected rights, religious persecution, and extreme injustice will occur.

November 14, 2022

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Johnathan M. Daniels, Appellant, Pro Se
P.O. Box 30651
Columbia, South Carolina 29230
Phone: (803) 770-8863
Email: chesssetbyj@yahoo.com

Other Counsel of Record:
Daniel E. Peagler
Prosecutor, City of Cayce
3975 Southeastern Way
West Columbia, SC 29169
Phone: (803) 814-0550
Email: epeagler@johnsonsclaw.com
Attorney for Respondent

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CAYCE, SC 29171

10/25/2022

Clerk,

- Please file this motion and alert the Court, so that a hearing or decision can be made before the trial date in this Case.

- Please stamp and return to me the designated copy in the Pre Paid envelope.

- Service to Prosecutor Peagler is included here as well.

JD.

ROA 196

STATE OF SOUTH CAROLINA,

PLAINTIFF,

VS

JOHNATHAN DANIELS,

DEFENDANT,

CAYCE MUNICIPAL COURT

TICKET #'S: 20210370007763-7766

MOTION TO DISMISS
FOR LACK OF JURISDICTION

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Pursuant to Rule 110, South Carolina Rules of Criminal Procedure, the defense in this case respectfully files this Motion To Dismiss For Lack Of Jurisdiction. A non-lawyer movant drafted this motion; therefore, the defense requests that the court extend due patience and give full consideration to the arguments presented.

This motion is only necessary because this court previously erred in ruling against the defense's motion to quash. That erroneous ruling that was timely objected to, as was this courts denial of the defense's motion to reconsider the initial denial. As the court will see outlined and explained below, the state has failed to state a crime or offense, and in this case no crime or violation is even claimed to have occurred; therefore, this court lacks jurisdiction over this matter. Due to previously demonstrated prejudice of the court's officers, it must be said here that the defense is not presenting "sovereign citizen" arguments against the right of the state to require drivers licenses, etc., but rather, that in the application and enforcement of state laws, when viewed in light of the serious burdens imposed on Mr. Daniels' free exercise of religion, as a matter of law, no crime or violation is claimed to have occurred. Therefore, Mr. Daniels objects to being burdened with an unlawfully imposed criminal trial.

This municipal court lacks subject matter jurisdiction for the two regulatory charges in this case, and is moving forward without any jurisdiction whatsoever. The subject matter jurisdiction of a court is fundamental. "Lack of subject matter jurisdiction may not be waived, even by consent of the parties, and should be taken notice of by this Court. It is well-settled that issues related to subject matter jurisdiction may be raised at any time, including for the first time on appeal in this Court." Brown v. State, 343 S.C. 342, 346, 540 S.E.2d 846, 848-49 (2001) (citation omitted). The action of a court, regarding a matter as to

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which it has no jurisdiction, is void. State v. Funderburk, 259 S.C. 256, 261, 191 S.E.2d 520, 522 (1972).

Of critical importance, is the fact that the South Carolina state Legislature intends to have *every* law of the state subject to a compelling interest test under South Carolina Section 1-32, and intends that no crime or offense shall exist where the law or statute enforced does not comply with the requirements of that section. The two regulatory charges in this case, cannot constitute an offense when considered under the totality of the laws and circumstances, of which this court has already been informed. South Carolina courts have held that the sufficiency of an indictment, "must be viewed with a practical eye; all the surrounding circumstances must be weighed before an accurate determination of whether a defendant was or was not prejudiced can be reached." State v. Adams, 277 S.C. 115, 125, 283 S.E.2d 582, 588 (1981), overruled on other grounds by State v. Torrence, 305 S.C. 45, 406 S.E.2d 315 (1991). "A court must look first to the statutory history, mindful that it is the Legislature, not the court that is responsible for defining a crime under a penal statute. Moreover, courts are bound to construe statutes strictly against the State." See Williams v. State, 306 S.C. 89, 91, 410 S.E.2d 563, 564 (1991) (It is a well-settled rule of statutory construction that penal statutes are strictly construed against the State and in favor of the defendant.). The two unconstitutional-as-enforced regulatory charges against Mr. Daniels in this case are constitutionally and/or statutorily barred, and this municipal court lacks subject matter jurisdiction to conduct matters or impose any sentence related thereto.

The record in this case overwhelmingly demonstrates that the municipal judge and the prosecutor were informed at the earlier motion to quash hearing that Mr. Daniels' lack of regulatory compliance is religiously motivated behavior and that the state's laws allow exemptions that are less restrictive in each instance. The record further demonstrates that Mr. Daniels informed both the municipal judge and the prosecutor of the above *circumstances in writing* (see motion to quash w/attachments in this case, where this court erroneously ruled against the defense's motion), and verbally at that motion hearing as well.

The state's prosecutor willfully refuses to acknowledge or entertain the possibility that the law demands accommodation of Mr. Daniels' religious practices rather than the persecution of them (as outlined at South Carolina 1-32 and within the state and federal constitutions). Prosecutor Peagler, in spite of the law, is conducting a retaliatory prosecution against Mr. Daniels; he is doing so because Mr. Daniels' exercise of his

constitutionally protected rights of religious freedom and liberty remind Mr. Peagler of the conduct of sovereign citizens; "sovereign citizens" are infamous persons and have been a thorn in the side of the state's law enforcement for some time. However, government may neither compel affirmation of a repugnant belief, *Torcaso v. Watkins,* 367 U. S. 488; nor penalize or discriminate against individuals or groups because they hold religious views abhorrent to the authorities, *Fowler v. Rhode Island,* 345 U. S. 67. Mr. Peagler has labeled Mr. Daniels as a sovereign citizen, called him such on many occasions, and seeks to persecute Mr. Daniels for his religious views. Importantly, Mr. Daniels is NOT a sovereign citizen, but simply a devoutly religious man trying to cooperate with the state within the framework of laws that the state's Legislature has created specifically for that purpose.

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South Carolina Section 1-32 applies to ***EVERY LAW*** of this state, and it extends even to the "laws of prosecutor Peagler." If prosecutor Peagler is allowed to continue to willfully ignore the clear and unambiguous intent of the Legislature in order to persecute Mr. Daniels, and this court is willing to move forward at his insistence, with no jurisdiction whatsoever, the citizens of this state are in serious trouble. Prosecutor Peagler IS NOT AUTHORIZED by the People to make and enforce his own laws in state courts. Again, I remind this court, "A court must look first to the statutory history, mindful that it is the Legislature, not the court that is responsible for defining a crime under a penal statute. Moreover, courts are bound to construe statutes strictly against the State." See Williams v. State, 306 S.C. 89, 91, 410 S.E.2d 563, 564 (1991) (It is a well-settled rule of statutory construction that penal statutes are strictly construed against the State and in favor of the defendant.).

DETAILED ARGUMENT

Despite the prosecutor's willful disregard of the law, the state Legislature clearly and unambiguously does not intend for Mr. Daniels' religiously motivated conduct to be considered a crime, violation, or offense. South Carolina Section 1-32-30 allows for the citing of a substantial burden on the free exercise of religion as a valid defense to ***ANY*** South Carolina law, regulation, ordinance, rule, or custom. Mr. Daniels has previously notified this court, and many other state officers and agencies that his sincerely held religious beliefs and practices (1) prohibit his participation in corporate franchising schemes in subjugation to the state, (2) prohibit him from representing and/or acting as a

state-created corporate persona in subjugation to the state, and (3) that these religiously based prohibitions prevent his obtaining a state drivers license and vehicle registration. In his defense pertaining to purported violations of traffic laws relating to his driving without a license and having no vehicle registration, Mr. Daniels has repeatedly raised the defense as allowed at South Carolina Section 1-32-30(2). Several other subsidiaries of the state have previously been given notice that it is solely on this religious basis that Mr. Daniels has refused to obtain a drivers license or register his truck, and while ALL others have withdrawn similar charges, City of Cayce refuses to do so.

Importantly, if any misunderstanding exists as to the accuracy of Mr. Daniels' conclusions regarding the existence of a surreptitiously imposed state franchise or state-created corporate persona, the state is culpable for that misunderstanding because the state has refused to disclose requested information to Mr. Daniels. As Mr. Daniels has previously explained to prosecutor Peagler and this court, he is a Sephardic man, a descendent of actual and real Negros exiled from Europe, sent to Africa and later moved back to America from whence they came, now redeemed by God and freed along with the revocation of the Alhambra Decree in 1968, which makes any enslavement of his people illegal going back to before 1400 A.D. Further, Mr. Daniels already has explained that the Holy Scriptures demand that he is obligated to avoid slavery, peonage, bondage, and involuntary servitude in all forms (see King James Bible, Galatians 5:1-7[1] & Romans 3:19[2]). As to the question asked at Galatians 5:7, the answer is: City of Cayce and prosecutor Peagler. Regardless of this court's and Mr. Peagler's disapproval of Mr.

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[1] King James Bible, at Galatians 1-7, which reads, "1 Stand fast therefore in the liberty wherewith Christ hath made us free, and be not entangled again with the yoke of bondage. 2 Behold, I Paul say unto you, that if ye be circumcised, Christ shall profit you nothing. 3 For I testify again to every man that is circumcised, that he is a debtor to do the whole law. 4 Christ is become of no effect unto you, whosoever of you are justified by the law; ye are fallen from grace. 5 For we through the Spirit wait for the hope of righteousness by faith. 6 For in Jesus Christ neither circumcision availeth any thing, nor uncircumcision; but faith which worketh by love. 7 Ye did run well; who did hinder you that ye should not obey the truth?"

[2] King James Bible, at Romans 3:19, which reads, "19 Now we know that what things soever the law saith, it saith to them who are under the law: that every mouth may be stopped, and all the world may become guilty before God."

Daniels' religious beliefs and practices, the U.S. Supreme Court has already ruled that, "religious beliefs need not be acceptable, logical, consistent, or comprehensible to others in order to merit First Amendment protection." Thomas v. Review Bd. of Ind. Employment Security Div., 450 U. S. 707, 714 (1981). The door of the Free Exercise Clause stands tightly closed against any governmental regulation of religious beliefs as such, Cantwell v. Connecticut, 310 U. S. 296, 310 U. S. 303. Further, the Court held that, "In our Establishment Clause cases we have often stated the principle that the First Amendment forbids an official purpose to disapprove of a particular religion or of religion in general. See, *e. g.*, Board of Ed. of Westside Community Schools (Dist. *66) v.* Mergens, 496 U. S. 226, 248 (1990) (plurality opinion); School Dist. of Grand Rapids *v.* Ball, *473* U. S. 373, 389 (1985); Wallace *v.* Jaffree, 472 U. S. 38, 56 (1985); *Epperson* v. *Arkansas,* 393 U. S. 97, 106-107 (1968); School Dist. of Abington *v.* Schempp, 374 U. S. 203, 225 (1963); Everson *v.* Board of Ed..of Ewing, 330 U. S. 1, 15-16 (1947).

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Mr. Daniels has diligently attempted to prove or disprove the state's franchise and/or corporate interactions involving him through independent research and legally permissible discovery during litigation with the state between 2017, 2018, 2019, 2020, and 2021. In each instance, the state has refused to respond to the discovery requested, and the state's judges have ruled against Mr. Daniels on motions to compel responses from the state. The state has never rebutted or denied Mr. Daniels' affirmed attestations to the state's surreptitious enfranchisement and mischaracterization of Mr. Daniels as a state-created corporate persona. To the contrary, the state has indirectly confirmed that Mr. Daniels is correct in his conclusions, as the state has subsequently nolle prossed many charges in similar cases against Mr. Daniels after he raised his religious objections to being treated as a state-created corporate person. Mr. Daniels has thoroughly investigated the matter and reasonably concluded that through licensing, registration, and other means, the state has treated him and/or intends to treat him, as either a corporate franchisee of the state, or a state-created corporate person.

As explained above, Mr. Daniels cannot comply with the state laws requiring him to use a state drivers license and registration without putting aside his sincerely held religious beliefs, practices, and obligations. It is obvious that the restrictions placed upon

Mr. Daniels' free use of the state's public roads, along with his other rights, result directly from the state's laws and requirements that he (1) register his truck to the state and (2) that he use the public roads only after being granted a state issued drivers license. These requirements and the resulting penalties for noncompliance constitute a very substantial burden on Mr. Daniels' free exercise of religion, and must be done under a compelling interest test, at a minimum (see South Carolina Section 1-32-30); federal guidelines in similar cases require the standard of "strict scrutiny".

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South Carolina Section 1-32-30 allows for the raising of a defense to persons whose exercise of religion is substantially burdened by the state and reads, in part (bold added):

"The purposes of this chapter are to:

(1) **restore the compelling interest test as set forth in Wisconsin v. Yoder,** 406 U.S. 205 (1972), and Sherbert v. Verner, 374 U.S. 398 (1963), and to guarantee that a test of compelling state interest will be imposed on all state and local laws and ordinances in all cases in which the free exercise of religion is substantially burdened; and

(2) provide a claim or defense to persons whose exercise of *religion is substantially burdened* by the State."

Please take notice that South Carolina Sections 1-32-30 and 1-32-40 require that a state burden on religious practice must pass the compelling interest test, which requires said burden to be the least restrictive means of furthering the compelling state interest. Section 1-32-40 states (bold added):

"The State may not substantially burden a person's exercise of religion, **even if the burden results from a rule of general applicability,** unless the State demonstrates that application of the burden to the person is:

(1) in furtherance of a compelling state interest; **and**

(2) the least restrictive means of furthering that compelling state interest."

South Carolina Section 1-32-60 applies South Carolina Section 1-32's restrictions on government burdening of religion to **ALL** laws in South Carolina and allows for the granting of exemptions for persons whose exercise of religion is substantially burdened by the State. South Carolina Section 1-32-60 clarifies that South Carolina Section 1-32 applies to ***each and every state and local law, policy or custom,*** and reads as follows at item A (bold and underline added):

"(A) This chapter applies to **all** state and local laws and ordinances **and the implementation of those laws and ordinances, whether statutory or otherwise**, and whether adopted before or after the effective date of this act."

Further, South Carolina Section 1-32-60 addresses the granting of exemptions to prevent unlawful burdening of a person's religion by the state, and reads as follows at item D (bold and underline added):

"(D) Granting state funding, benefits, or exemptions, to the extent permissible under the constitutional provisions enumerated in subsection (C)(*1*) and (*2*), does not constitute a violation of this chapter.

As used in this subsection, "granting", with respect to state funding, benefits, or exemptions, does not include the denial of government funding, benefits, or exemptions."

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Without waiver[3], and solely for the sake of argument here, Mr. Daniels concedes that the state has a compelling interest in regulating the use of the public roadways. However, in light of the very substantial burdens placed on Mr. Daniels' constitutionally protected free exercise of religion, his property rights, and his right to liberty (travel), the state's methods of regulating his use of public roadways must take the form of the least restrictive means of regulation. **Importantly**, the laws of this state already allow (1) unlicensed drivers to lawfully use the public roads[4], and (2) unregistered vehicles to be operated on public roads. Preference cannot be given to secular conduct and purposes, which are subsequently denied to Mr. Daniels' religiously motivated conduct. Doing so inevitably deters or discourages the exercise of First Amendment rights of religious freedom, and thereby threatens to "produce a result which the State could not command directly." Speiser v. Randall, at 357 U. S. 526. Likewise, to condition the availability of privileges upon Mr. Daniels' willingness to violate a cardinal principle of his religious faith effectively penalizes the free exercise of his constitutional liberties. Id. at 357 U. S. 518. Similar to the denial of exemptions for religious reasons in this case, "to deny an

[3] It is established in strict scrutiny jurisprudence that "a law cannot be regarded as protecting an interest 'of the highest order' ... when it leaves appreciable damage to that supposedly vital interest unprohibited." *Florida Star* v. *B. J. F., supra,* at 541-542 (SCALIA, J., concurring in part and concurring in judgment) (citation omitted). See *Simon & Schuster, Inc.* v. *Members of N. Y. State Crime Victims Bd.*, 502 U. S. 105, 119-120 (1991).

[4] See Footnote Above.

exemption to claimants who engage in certain forms of speech is, in effect, to penalize them for such speech." *Id.* at 357 U. S. 518.

As to the charges in this case, it is NOT the case that the state's requirements imposed upon Mr. Daniels were/are the least restrictive means of furthering a compelling state interest. The state's motor vehicle laws do regulate through means that are less restrictive than those proposed to regulate Mr. Daniels' use of the public roadways. For example, the law requiring vehicle registration is NOT one of general applicability, as there are many exemptions allowed. South Carolina SECTION 56-3-180 allows exemption from the requirement to register a motor vehicle, which may be done by way of special permit, among other ways, and reads as follows:

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> "Special permits to operate vehicles otherwise required to be registered and licensed; restrictions.
>
> **The department may issue in writing special permits to operate vehicles otherwise required to be registered and licensed under this chapter when the vehicles do not display the required current license plate or plates or registration cards.** A special permit issued pursuant to this section, shall specify the date on which the permit expires, and must be carried at all times on the vehicle authorized to be operated." - South Carolina SECTION 56-3-180.

The state's laws also regulate in ways that are less restrictive than requiring state driver licenses to operate a private automobile on public roadways. The law requiring driver licenses is NOT one of general applicability, as many exemptions are allowed. South Carolina SECTION 56-1-30 allows several classes of persons an exemption from licensing requirements, and reads in part at item (3):

> "Persons exempt from licensing requirements.
>
> The following persons are exempt from licenses under this chapter:" .....
>
> "**(3) Any nonresident who is at least eighteen years of age and whose home state or country does not require the licensing of operators may operate a motor vehicle for a period of not more than ninety days in any calendar year,** if the motor vehicle is duly registered in the home state or country of the nonresident and a nonresident on active duty in the Armed Services of the United States who has a valid license issued by his home state and the nonresident's spouse or dependent who has a valid license issued by his home state;" - South Carolina SECTION 56-1-30."

Many "generally applicable" laws provide categorical exceptions of one kind or another. Once a legislature has carved out an exemption for a secular group or person, the law is no longer "generally applicable," and thus subject to standards of strict scrutiny.

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As the U.S. Supreme Court opined, "where such a law is not neutral or not of general application, it must undergo the most rigorous of scrutiny: It must be justified by a compelling governmental interest and must be narrowly tailored to advance that interest." Church of the Lukumi Babalu Aye, Inc. v. Hialeah, 508 U.S. 520 (1993).

In *Church of the Lukumi Babalu Aye, Inc. v. Hialeah*, since the challenged ordinance both burdened religious practice and was not generally applicable, the Court applied both the "strict scrutiny" and the "compelling interest" standard to the city's actions, and the ordinance could not pass constitutional muster as enforced. In light of Mr. Daniels' constitutionally protected right to the free exercise of religion, the laws and purported violations presently before this court are due the same level of scrutiny, and do not pass muster because in this case they are being applied and enforced unconstitutionally.

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Whereas the Citizen's right to freely travel by automobile may be locally regulated by the state "in the interest of the public safety and welfare", such reasoning does not allow the state's regulating of Mr. Daniels' rights for the purposes of forcing him into adhesion contracts with the state (i.e. bondage), fund raising, tracking his private property, or any other unlawful purpose. Because the state's application of the laws, as applied to Mr. Daniels, do not meet the "compelling interest" standard, an analysis under "strict scrutiny" is not necessary, as the laws at issue would not meet the higher standard as applied.

It is beyond argument that these alternative regulatory means are far less restrictive than those the state seeks to impose on Mr. Daniels. Therefore, no reasonable argument can be made that requiring Mr. Daniels to be bound to a state drivers license and vehicle registration are the least restrictive means of furthering the compelling state interest involved.

All of the above makes (1) the application of the state's drivers license and registration requirements, and (2) the violations charged against Mr. Daniels presently, unconstitutional in effect and enforcement as relates to Mr. Daniels, as an individual person (as required by South Carolina Section 1-32-40, and federal law), The U.S. Supreme Court's interpretations of the state and federal constitutions prohibit any such

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application of state laws, and the Court has found statutes and ordinances void where they unreasonably restrict a constitutionally protected right.

In this case, the statutes in question (SC Title 56-1-30 and 56-3-180) are not generally applicable, and City of Cayce's and prosecutor Peagler's retaliatory prosecution of Mr. Daniels devalues his religious reasons for driving without a license and not registering his truck, judging his religiously motivated reasons as less important than the nonreligious reasons for exemption allowed under the same statutes. Thus, Mr. Daniels' "religious practice is being singled out for discriminatory treatment." Employment Div., Dept. of Human Resources of Ore. *v.* Smith, 494 U. S., at 722, n. 17 (STEVENS, J,, concurring in part and concurring in result); *id.,* at 708 (opinion of Burger, C. J.); *United States* v. *Lee,* 455 U. S. 252, 264, n. 3 (1982) (STEVENS, J., concurring in judgment).

Strict enforcement of the state's licensing and registration requirements upon Mr. Daniels clearly does not pass constitutional muster, and very likely makes some parties liable for violations of Mr. Daniels' protected rights.

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CONCLUSION

In this case, this court needs only be aware of a few things to come to the conclusion that it is exceeding its jurisdiction in permitting prosecution of these charges against Mr. Daniels.

Firstly, the court must take notice that Mr. Daniels has a sincerely held religious belief or practice that he believes prohibits his participation in the state's licensing and registration schemes. In this case, this condition has already been met by documents, affidavits, and prior testimony presented before the prosecutor and this court in Mr. Daniels' written motion to quash, which was argued and ruled on previously.

Secondly, this court must take notice of South Carolina Chapter 1 Section 32. As courts are considered to know the law, meeting this second condition need not be explained further.

Thirdly, this court must take notice of the exemptions allowed under the law, at South Carolina SECTIONS 56-1-30 and 56-3-180. Here again, as courts are considered to know the law, meeting this third condition need not be explained further.

Considering all of the above, as is proper in considering the sufficiency of the charges or indictment, the prosecutor has failed to state a crime, and this deprives the court of subject matter jurisdiction. This municipal court cannot take any valid action to further pursue claims that are statutorily and/or constitutionally barred, and an action taken by a court that lacks jurisdiction is a nullity and void.

Based on the known facts of this case, the arguments presented here are certainly meritorious and require this court to take swift action by dismissing the charges and issuing an order directing certain City of Cayce officials to accommodate Johnathan Martia Daniels, as he has been improperly accused by the state due to his lawful use of the public roadways.

NOTICE OF OBJECTION AND APPEAL IN CASE OF DENIAL

The court please take notice that this motion for dismissal involves unlawful suppression of Johnathan Martia Daniels' substantive constitutional rights, therefore an appeal from an adverse ruling on this motion is considered interlocutory and eligible for immediate appeal to the Circuit Court. Respectfully, Mr. Daniels hereby objects to any ruling that denies granting this motion and notifies this court that an appeal will be filed immediately upon receipt of any ruling or order denying the motion. This objection and appeal are intended to execute automatically upon the courts denial and shall stay the matter until a ruling by a higher court is made.

Respectfully Submitted,

Johnathan Martia Daniels,
PO Box 30651
Columbia, SC 29230
Chesssetbyj@yahoo.com

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STATE OF SOUTH CAROLINA, PLAINTIFF, VS JOHNATHAN DANIELS, DEFENDANT,	CITY OF CAYCE MUNICIPAL COURT TICKET #'S: 20210370007763-7764 CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I, Johnathan Daniels, hereby certify that on Oct. 25th, 2022, I served copies of Motion to Dismiss, on Daniels F. Peagler, 2 Lavern Jumper Rd. Cayce, SC 29033 by way of U.S. Mail.

Signature John Daniels

Printed Name Johnathan Daniels

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April 11th, 2022

City of Cayce Municipal Court
ATTN: Clerk of Court
2 Lavern Jumper Rd
Cayce, South Carolina 29033

Clerk of Court,

This request is made under the provisions and authority of the Freedom Of Information Act (FOIA). I am requesting the full/unedited audio records made during all hearings related to City of Cayce vs Johnathan Daniels, Ticket Numbers **20190370006790 - 6792** and **20210370007763-7764**. Please include the full/unedited audio record made outside the courtroom on October 28th, 2021.

I certify that these recordings are needed for trial and/or litigation and there are no legitimate privacy concerns regarding the full disclosure of the information requested.

Regarding the costs associated with this request, a response by email will expedite payment, and would be greatly appreciated.

Regards,

Johnathan Daniels

Please respond to:

Johnathan Daniels
P.O. Box 30651
Columbia, SC 29230
Email: chesssetbyj@yahoo.com

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CITY OF CAYCE MUNICIPAL COURT

Shannon Bobertz *Municipal Judge* Bryan Jeffries *Municipal Judge* Rachel Stuckey *Clerk of Court* Lauren Hugg *Assistant Clerk of Court*

Cayce
Time for Life

10/23/2021

Johnathan Daniels
P. O. Box 30651
Columbia, SC 29230

Re: City of Cayce v. Johnathan Martia Daniels
Ticket / Warrant No(s): 20190370007763-64

Dear Mr. Daniels:

Cayce Municipal Court has received and reviewed your Motion to Reconsider on the above referenced cases. After reviewing your Motion, the Judge has determined it is without merit in accordance with the South Carolina Supreme Court Order, titled: Operation of the Trial Courts During the Coronavirus Emergency (As Amended August 274, 2021). Therefore, your Motion to Reconsider has been denied.

If you have any questions, please do not hesitate to contact me at (803) 550-9550.

Sincerely,

Rachel Stuckey
Clerk of Court

October 20th, 2021

Clerk of Court,

Please file the enclosed Motion to Reconsider in the case file. Please ensure that PSO Merritt/Prosecutor recieve their enveloped copy. I have enclosed a self addressed/stamped envelope for return of a time stamped defense copy to Me

Regards,

Johnathan Daniels

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STATE OF SOUTH CAROLINA, PLAINTIFF, VS JOHNATHAN DANIELS, DEFENDANT,	CITY OF CAYCE MUNICIPAL COURT TICKET #'S: 20210370007763-7764 MOTION TO RECONSIDER AND NOTICE OF OBJECTION

Pursuant to Rule 110, South Carolina Rules of Criminal Procedure, the defense in this case respectfully files this (1) Motion To Reconsider and (2) Notice of Objection. The defense respectfully requests that this court reconsider its October 19th, 2021 ruling denying the defense's Motion to Quash and request for religious accommodation.

On October 19th, 2021, the defense in this case presented the court a Motion to Quash the charges in this case, as well as a request for religious accommodation. Surprisingly, this court denied the motion without so much as reading it, instead relying on the state prosecutor's half-baked opinion after he skimmed through 40-plus pages of highly researched legal argument and exhibits in 45 seconds flat. The prosecutor mislead the court in labeling Johnathan Martia Daniels (Mr. Daniels) as a "sovereign citizen", and was either incompetent or malicious in his taking this position, which the court seemed to welcome.

LET THIS BE CLEAR, the motion presented to the court WILL BE READ and LAWFULLY DECIDED, either now or as part of a federal lawsuit which is already on standby for the purpose of protecting Mr. Daniels' rights . The record in this case seems to demonstrate that the judge and the prosecutor attempted to work together to rush Mr. Daniels to judgement; and but for the court's administrators stepping in on several occasions, reminding the court of Mr. Daniels' right to due process and trial by jury, a greater violation of rights likely would have occurred at the hearing.

Because the judge asked the prosecutor to respond to the motion so that she could make an immediate ruling, and the prosecutor foolhardily went along with her insistence to do so, the defense has been denied a fair hearing. As the court will see outlined and explained once the documents are competently reviewed, the state has failed to state a punishable offense.

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Importantly, the defense is not presenting "sovereign citizen" arguments against the right of the state to require drivers licenses, etc., but rather, that in the application and enforcement of its laws, when viewed in light of the serious burdens imposed on Mr. Daniels' free exercise of religion (as required by South Carolina Section 1-32-30), the state is acting unlawfully. This possibility is apparently beyond the comprehension of the prosecutor, but it does exist nonetheless. Based on the facts of this case, the arguments presented in the motion are certainly meritorious and require the court to take swift action by quashing the charges and issuing an order directing certain state officials to accommodate Johnathan Martia Daniels, as he has been improperly accused by the state due to his lawful use of the public roadways.

Further, the state and/or the court, have an obligation to either offer guidance or accommodation to Johnathan Martia Daniels regarding his Request for Accommodation which was included in the Motion to Quash.

OBJECTION: Mr. Daniels, hereby reasserts his objection to the court's initial denial of the abovementioned Motion to Quash and Request for Accommodation, and preserves the same for appellate review.

Respectfully Submitted,

Johnathan Martia Daniels, For the Defense
P.O. Box 30651
Columbia, South Carolina 29230
Email: chesssetbyj@yahoo.com

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STATE OF SOUTH CAROLINA,

PLAINTIFF,

VS

Johnathan Daniels,

DEFENDANT,

In the City of Cayce Municipal Court

TICKET #'S: 2021037000077763-7764

CERTIFICATE OF SERVICE

I, Destiny Williams, hereby certify that on October 20th, 2021, I served copies of the Motion to Reconsider, upon PO Merritt / Prosecutor, by U.S. Mail, at Post Office Box 3408, Cayce, SC 29171

Signed Destiny Williams

Printed Name Destiny Williams

October 10th, 2021

City of Cayce Municipal Court
ATTN: Clerk of Court
2 Lavern Jumper Rd
Cayce, South Carolina 29033

Clerk of Court,

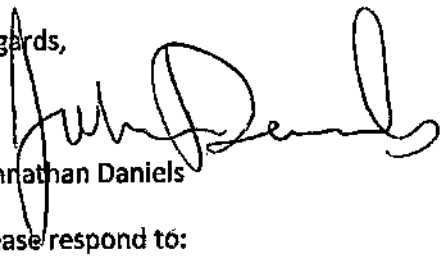
This request is made under the provisions and authority of the Freedom Of Information Act (FOIA). I am requesting all patrol car camera footage, body camera footage, audio recordings, and documents on and off record pertaining to the detainment, arrest, and vehicular pursuit of Johnathan Martia Daniels by City of Cayce Public Safety Officers, which occurred on July 22nd, 2021, between 1330 and 1500 hrs. In particular, please *include all requested information related to*, but not neccessarily limited to, the following City of Cayce officers:

(1) Sergeant Bryan Schumpert
(2) Corporal Hayden Clarke
(3) PSO S. Merrit

Related ticket numbers are 20210370007763-7764. I certify that these documents are needed for trial preparation and there are no legitimate privacy concerns regarding the full disclosure of the information requested.

Regarding the costs associated with this request, a response by email will expedite payment, and would be greatly appreciated.

Regards,



Johnathan Daniels

Please respond to:

Johnathan Daniels
P.O. Box 30651
Columbia, SC 29230
Email: chesssetbyj@yahoo.com

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STATE OF SOUTH CAROLINA, PLAINTIFF, VS JOHNATHAN DANIELS, DEFENDANT,	CITY OF CAYCE MUNICIPAL COURT TICKET #'S: 20210370007763-7764 MOTION TO QUASH AND REQUEST FOR ACCOMMODATION

Pursuant to Rule 110, South Carolina Rules of Criminal Procedure, the defense in this case respectfully files this (1) Motion To Quash and (2) Request For Accommodation.

As the court will see outlined and explained below, the state has failed to state a punishable offense. Importantly, the defense is not presently arguing against the right of the state to require drivers licenses, etc., but rather, that in the application and enforcement of its laws, when viewed in light of the serious burdens imposed on Mr. Daniels' free exercise of religion, the state is acting unlawfully. Based on the facts of this case, the arguments presented here are certainly meritorious and require the court to take swift action by quashing the charges and issuing an order directing certain state officials to accommodate Johnathan Martia Daniels, as he has been improperly accused by the state due to his lawful use of the public roadways.

Herein, the term "state", when used to identify a person or party, shall refer to STATE OF SOUTH CAROLINA, and all of its relevant agents, officers, and/or subsidiaries, including, wherever involved in the matters described herein, CITY OF CAYCE, CITY OF COLUMBIA, S C HIGHWAY PATROL, UNIVERSITY OF S C POLICE, and any other unnamed agent, officer, or subsidiary of STATE OF SOUTH CAROLINA.

This motion was drafted by a non-lawyer movant, therefore, the defense requests that the court extend due patience and give full consideration to the arguments presented.

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IN THE CITY OF CAYCE MUNICIPAL COURT

BRIEF RE:

STATE OF SOUTH CAROLINA

VS

JOHNATHAN DANIELS

Motion To Quash
And Request For Accommodation

Submitted To The Court by Johnathan Martia Daniels,
Compelled Attorney For The Defense

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[1] Hereinafter, "state", when used to identify a person or party, shall refer to "state" as defined in FN 1 of this motion.

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Other Authorities:

King James Bible ("KJV"), Galatians 5:1-7[2] & Romans 3:19[3] 4, 9, 10

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[2] King James Bible, at Galatians 1-7, which reads, "1 Stand fast therefore in the liberty wherewith Christ hath made us free, and be not entangled again with the yoke of bondage. 2 Behold, I Paul say unto you, that if ye be circumcised, Christ shall profit you nothing. 3 For I testify again to every man that is circumcised, that he is a debtor to do the whole law. 4 Christ is become of no effect unto you, whosoever of you are justified by the law; ye are fallen from grace. 5 For we through the Spirit wait for the hope of righteousness by faith. 6 For in Jesus Christ neither circumcision availeth any thing, nor uncircumcision; but faith which worketh by love. 7 Ye did run well; who did hinder you that ye should not obey the truth?"

[3] King James Bible, at Romans 3:19, which reads, "19 Now we know that what things soever the law saith, it saith to them who are under the law: that every mouth may be stopped, and all the world may become guilty before God."

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(Continued Below)

STATEMENT OF THE CASE

Written in third person for ease of reading by the court.

On July 22nd, 2021, Johnathan Martia Daniels ("Mr. Daniels") was traveling East on 12th Street Extension, near Cayce, South Carolina. Mr. Daniels was traveling in his privately owned truck, a green Ford Ranger pickup. At approximately 2:28 pm, Mr. Daniels was observed by Cayce PSO S. Merritt ("Officer Merritt"), and other PSO's of the City of Cayce Department of Public Safety, traveling without a state authorized vehicle license plate, having instead a private tag on the rear of his privately owned truck. Officer Merritt initiated a traffic stop on Mr. Daniels. Mr. Daniels had no drivers license and no vehicle registration, but did have current insurance coverage on his truck. . Officer Merritt issued Mr. Daniels citations for "Driving Without A License, 1st Offense" and "Vehicle License Violation."

As Mr. Daniels was on his way to court for a mandatory jury strike, he was allowed to proceed to court after being ticketed. Mr. Daniels did appear at the City of Cayce Municipal Court on September 7th, at which time the case was continued to allow Mr. Daniels time to obtain a SC driver license. This motion to quash follows after finding that alternatives to state licensing must be made available to Mr. Daniels

SUMMARY OF THE ARGUMENT

South Carolina Section 1-32-30 allows for the citing of a substantial burden on the free exercise of religion as a valid defense. Mr. Daniels is notifying this court, as he has notified other state courts and state officers in 2017, 2018, 2019, and 2020 that his sincerely held religious beliefs and practices (1) prohibit his participation in corporate franchising schemes in subjugation to the state, (2) prohibit him from acting as a state-created corporate persona in subjugation to the state, and (3) that these religion based prohibitions prevent his obtaining a drivers license and vehicle registration. The state has previously been given notice that it is on this religious basis that Mr. Daniels has refused to obtain a license or register his truck. Mr. Daniels hereby raises the defense as allowed at South Carolina Section 1-32-30(2).

Firstly, if any misunderstanding exists as to the accuracy of Mr. Daniels' conclusions regarding the existence of a surreptitiously imposed state franchise or state-created corporate persona, the state is culpable for that misunderstanding.

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Mr. Daniels has diligently attempted to confirm or disprove the state's franchise and/or corporate interactions involving him through independent research and legally permissible discovery during litigation with the state between 2017, 2018, 2019, 2020, and 2021. In each instance, the state has refused to respond to the discovery requested, and the state's judges have ruled against Mr. Daniels on motions to compel responses. The state has never once rebutted or denied Mr. Daniels' sworn attestations to it's surreptitious enfranchisement and mischaracterization of Mr. Daniels as a state-created corporate person. To the contrary, the state has indirectly confirmed that Mr. Daniels is correct in his conclusions, as the state has subsequently nolle prossed every charge in similar cases against Mr. Daniels after he raised his religious objections to being treated as a state-created corporate person. Mr. Daniels has thoroughly investigated the matter and reasonably concluded that through licensing, registration, and other means, the state has treated him and/or intends to treat him, as either a corporate franchisee of the state, or a state-created corporate person.

In this present case, Mr. Daniels has been cited, charged, and will be put on trial because he uses his unregistered private truck on the public roadways without a state drivers license. As explained above, Mr. Daniels cannot comply with the state law requiring him to use a state drivers license and registration without putting aside his sincerely held religious beliefs, practices, and obligations. It is obvious that the restrictions placed upon Mr. Daniels' free use of the roadways, along with his other rights, result directly from the state's laws and requirements that he (1) register his truck with the state and (2) that he use the public roadways solely in a manner and under the authority of a state issued drivers license. These requirements and the resulting penalties for noncompliance constitute a very substantial burden on Mr. Daniels' free exercise of religion, and must be done under "compelling interest" scrutiny, at a minimum (see South Carolina Section 1-32-30). Federal guidelines in similar cases require the heightened standard of "strict scrutiny".

For the purposes of this case, Mr. Daniels concedes that the state has a compelling interest in regulating of the use of the public roadways. However, in light of the very substantial burdens placed on Mr. Daniels' constitutionally protected free exercise of religion, his property rights, and his right to travel (liberty), the state's methods of regulating his use of public roadways must take the form of the least restrictive means of regulation.

The state does utilize less restrictive means of regulation in some cases. For example, South Carolina Section 56-1-30 (section on driver licensing) permits several classes of persons to be exempted from the licensing requirement, including some persons with

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license in any jurisdiction whatsoever. For a second example, South Carolina Section 56-3-180 (section on vehicle registration) permits some persons to be exempted from the vehicle registration requirement altogether. It is beyond argument that these alternative regulatory means are far less restrictive than those the state seeks to impose on Mr. Daniels. Therefore, no reasonable argument can be made that requiring Mr. Daniels to be bound to a state drivers license and vehicle registration are the least restrictive means of furthering the compelling state interest involved.

All of the above makes the application of the laws and violations charged in this case unconstitutional in effect and enforcement as relates to Mr. Daniels, as an individual person (as required by South Carolina SECTION 1-32-40, and federal law), an deprives the court of jurisdiction. The U.S. Supreme Court's interpretations of the state and federal constitutions prohibit any such application of state laws, and the Court has found statutes and ordinances void where they unreasonably restrict a constitutionally protected right.

The present case against Mr. Daniels is clearly one that does not pass constitutional muster, and only one verdict is possible here. Because both the state and the jury it assembles are bound by constitutional constraints, it is clear and evident that no reasonable jury could return a verdict of "guilty" in this case. No jury can act against the state and federal constitutions. This court should grant this motion to quash the charges, and issue an additional order as requested to ensure state compliance with constitutional requirements concerning Mr. Daniels constitutionally protected rights.

DETAILED ARGUMENT

A. THE COURT SHOULD GRANT THE DEFENSE'S MOTION TO QUASH BECAUSE NO REASONABLE JURY COULD FIND THE DEFENDANT GUILTY WITHOUT UNLAWFULLY AUTHORIZING STATE DEPRIVATION OF CONSTITUTIONALLY PROTECTED RIGHTS UNDER COLOR OF LAW.

1. **South Carolina SECTION 1-32-30(2), allows for the raising of a defense for persons whose exercise of religion is substantially burdened by the State.**

Mr. Daniels hereby raises the defense described at SECTION 1-32-30(2). South Carolina SECTION 1-32-30 allows for the raising of a defense to persons whose exercise of religion is substantially burdened by the State and reads, in part (bold added):

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"The purposes of this chapter are to:

(1) **restore the compelling interest test as set forth in Wisconsin v. Yoder,** 406 U.S. 205 (1972), and Sherbert v. Verner, 374 U.S. 398 (1963), and to guarantee that a test of compelling state interest will be imposed on all state and local laws and ordinances in all cases in which the free exercise of religion is substantially burdened; and

(2) provide a claim or defense to persons whose exercise of religion is substantially burdened by the State."

May the court take notice that South Carolina SECTIONS 1-32-30 and 1-32-40, require that a state burden on religious practice must pass the compelling interest test, and be the least restrictive means of furthering a compelling state interest to wit, SECTION 1-32-40 states (bold added):

"The State may not substantially burden a person's exercise of religion, **even if the burden results from a rule of general applicability,** unless the State demonstrates that application of the burden to the person is:

(1) in furtherance of a compelling state interest; and

(2) the least restrictive means of furthering that compelling state interest."

2. **Mr. Daniels' religious beliefs and practices are sincerely held, and his freedom to exercise his religion has been severely and repeatedly burdened by the state.**

Mr. Daniels' studies of religion, commerce, and law have caused him to determine that it was more likely than not that the state had already/or intends to unlawfully and without disclosure, surreptitiously bind him, a God created Man, to state-created franchises which do not recognize him as a living being obligated to God, but instead seek to recognize him as a corporate person created under the authority and jurisdiction of the state.

The court please recognize that Mr. Daniels' position does not rely on the merits of whether or not he actually had a proper license or registration, or if he was required to observe the the posted speed limit. To the contrary, Mr. Daniels' defense is based on his right to refuse the unlawfully restrictive religious burdens imposed on him by the state. The recognition of the right to such religion based refusal is the intent of South Carolina SECTIONS 1-32-30 and 1-32-40. As Mr. Daniels has affirmed to various state courts, he is duty bound as under Galatians 5:1-6 and Romans 3:19 to avoid slavery, peonage, and involuntary servitude. Mr.

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Daniels exists to serve his God exclusively, and cannot volunteer to have the state Lord over him. Having already been freed by Christ, Mr. Daniels is prohibited to return to the yoke of bondage.

More importantly, if Mr. Daniels were to fail to resist the state's claims that he exists under it's jurisdiction as a state-created franchise/corporate person, Mr. Daniels would be at jeopardy of unintentionally forfeiting his blessings. (See AFFIDAVIT AND NOTICE OF FACTS[4], Filed With Motion to Compel (Attachment I) as "Exhibit C" on 8/31/2020, at sworn statement #1 & #5; see AFFIDAVIT AND NOTICE OF FACTS[5], Filed With Motion to Dismiss (Attachment K) on 7/9/2021, at sworn statements #1, #5 & #6; see also "KJV" at Galatians 5:1-6 and Romans 3:19, referenced above).

Mr. Daniels has consistently informed the state's officers, prosecutors and courts that it is his position that the state lacks lawful authority and jurisdiction to demand his compliance with unconstitutionally enforced, unreasonable, and discriminatory regulatory requirements which would deceive him into slavery,

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[4] The court please take notice of the entire contents of "AFFIDAVIT AND NOTICE OF FACTS", filed concurrent with Motion to Compel on Aug. 31, 2020, as "Exhibit C", at City of Cayce Municipal Court, in which Mr. Daniels affirms, "(1). I have a religious obligation, as stated at Galatians 5:1-6, and Romans 3:19 to which I adhere adamantly, and I am duty bound to avoid slavery, peonage, and involuntary servitude at all times and in all forms." and at page labeled "7" where he affirms, "(5). I, Johnathan Martia Daniels have never been willing, and am currently unwilling, to voluntarily act as any type of officer or representative for any undisclosed state created franchise, and unless My agreement and full disclosure is proven, I disagree to be bound to any obligation so created; the state forcing Me to represent an undisclosed franchise over My objection is involuntary servitude and peonage, which are prohibited by law."

[5] The court please take notice of the entire contents of "AFFIDAVIT AND NOTICE OF FACTS", filed concurrent with Motion to Dismiss on July 9th, 2021, at City of Cayce Municipal Court, and particularly at page 7, in which Mr. Daniels affirms, "(1). I have a religious obligation, as stated at Galatians 5:1-6, and Romans 3:19 to which I adhere adamantly, and I am duty bound to avoid slavery, peonage, and involuntary servitude at all times and in all forms." and further at page 8, where he affirms, "(5). I, Johnathan Martia Daniels have never been willing, and am currently unwilling, to voluntarily act as any type of officer or representative for any undisclosed state created franchise, and unless My agreement and full disclosure is proven, I disagree to be bound to any obligation so created; the state forcing Me to represent an undisclosed franchise over My objection is involuntary servitude and peonage, which are prohibited by law."; with his further affirmation at "(6). I, Johnathan Martia Daniels, am litigating this case only out of necessity, and not out of a voluntary desire to do so. If I were to refuse to act, STATE OF SOUTH CAROLINA would use it's laws to attack My personal property, My liberty, and My freedom."

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peonage or involuntary servitude under subjugation to the state (See "Attachment K").

Over the past 5 years of Mr. Daniels inquiring incessantly, the state, nor any agent, officer, or subsidiary of the state, has ever answered or rebutted Mr. Daniels' findings that (1) the state has already/or seeks to enfranchise him unlawfully, without full disclosure, and (2) that the state's licensure and registration requirements are imposed on state-created corporate persons (See "Attachment C", wherein Mr. Daniels has requested discovery from the state in 2017, to which no response was given; See "Attachment D" wherein Mr. Daniels motions for a continuance to give the state more time to respond to his 2017 discovery requests; See "Attachment E", wherein Mr. Daniels has requested discovery from the state in 2018, to which no response was given; See "Attachment F" wherein Mr. Daniels has motioned for dismissal due to the state's refusal to respond to his 2018 discovery requests; See "Attachment G" wherein Mr. Daniels has motioned to join the state's repetitive charges; See "Attachment H", wherein Mr. Daniels has requested discovery from the state in 2020, to which no response was given; See "Attachment I", a Motion to Compel, filed in the City of Cayce Municipal Court on August 31st, 2020, which was denied, wherein discovery was requested to be compelled from the state; See "Attachment J" Motion to Reconsider, filed in the City of Cayce Municipal Court on September 11th, 2020, which was denied, wherein discovery was requested to be compelled from the state).

Beyond the documents referenced in parentheses above, there are numerous additional notices, information requests and discovery requests which Mr. Daniels presented orally, on the records of various state courts between 2017 and present, to which the state refused to answer, refused discovery, and/or ruled against Mr. Daniels in multiple motions to compel responses.

Mr. Daniels has repeatedly informed the state of his religious objections via oral and written notices in 2017, 2018, and again in 2020. Given all this, it is unreasonable that violations of Mr. Daniels' constitutionally protected rights continue to occur due to the numerous instances of arrest and detainment which result from his refusing state licensing and registration. Prior to the present case, the state's response to Mr. Daniels' notices of unreasonable religious burden, has been a refusal to prosecute. Such instances include:

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DATE	ACTION/CHARGES	RESULT
07/01/2017	Charged, Expired Veh. Lic.	Nolle Prosequi - Notice to Officer & Judge.
03/16/2018	Charged, No Veh. Reg.	Nolle Prosequi - Notice to Officer & Judge.
05/02/2018	Not Charged, No Veh. License	Warning.
12/09/2019	Charged, No DL, No Reg. Spding	Pending - Notice to Officer & Judge.
12/24/2019	Not Charged, No Veh. License	Warning.
07/22/2021	Charged, No DL, No Veh. Reg.	Pending - Notice to Officer & Judge.
08/25/2021	Charged, Driving Without License	Pending - Notice to Officer & Judge.

The court please take notice of "Attachment A" & "Attachment B", attached hereto, which are court certified case dispositions.

All of the above is provided for the conscience of the court, should the court find need to determine the validity or sincerity of Mr. Daniels' religious beliefs and practices, however, for purposes such as determining the defense allowed at South Carolina SECTION 1-32-30(2), the Supreme Court has ruled that courts cannot examine the truth or falsity of religious beliefs. See United States v. Ballard, 322 U.S. 78 (1944).

3. **Under the circumstances it was/is reasonable for Mr. Daniels to conclude that the state, without full disclosure, has already/or intends to enfranchise him without disclosure, or to treat him as a state-created corporate person.**

As stated above, Mr. Daniels has researched this matter extensively in furtherance of his religious obligations, and he has determined that the state has already/or intends to unlawfully and without disclosure, surreptitiously bind him, a God created Man, to state-created franchises which do not recognize him as made by God, but instead only recognize him as a corporate person created under the authority and jurisdiction of the state.

During several instances of litigation between 2017 and present, Mr. Daniels has sought legally permissible discovery to confirm or deny his findings and conclusions, but the state has repeatedly refused to cooperate with discovery or otherwise meaningfully answer inquires. Further, Mr. Daniels' many motions to compel discovery have been denied by the state's courts. Importantly, Mr. Daniels' affidavits attesting to his involuntary servitude through an undisclosed franchise or corporate personage have never been answered nor rebutted by the state in any response or at any hearing (See "Attachment I" and "Attachment J").

Further, the defense finds it highly prejudicial, in the nature of an estoppel to the current charges, that after all of the many actions taken to Mr. Daniels' detriment in prior cases, the state has nolle prossed each charge; and, these decisions to nolle

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prosse the charges have occurred very late in litigation, typically right before trial, after putting Mr. Daniels through many court appearances and hundreds of hours of grueling legal research and writing. It is particularly damning that the state has repeatedly dropped the charges, despite the fact that the charges have been administrative in nature (i.e. No Vehicle Registration and No Drivers License), and no defense on the merits was ever presented by Mr. Daniels. A court might be inclined to agree that either (1) Mr. Daniels is within reason to conclude that his findings were correct and that the state had unlawfully enfranchised him and/or is attempting to license him as a state-created corporate person, or (2) that Mr. Daniels' claims of unlawful religious burden were valid.

In any case, the existence of any error in Mr. Daniels' conclusions is the fault of the state, because the state has never informed Mr. Daniels of the reasons for not answering discovery, denying his motions, or the nolle prossed charges.

For these reasons, Mr. Daniels is left with no choice but to take his own findings as the truth. Consequently, Mr. Daniels has refused to obtain a license or registration, as his sincerely held religious beliefs and practices do not allow him to comply with the state's schemes.

4. **The state, through its agents and subsidiaries, has been given several oral and written notices of it's imposition of unreasonable burdens on Mr. Daniels' constitutionally protected right to the free exercise of religion and the state has offered no *accommodation*, guidance, or relief.**

Mr. Daniels has submitted several notices to the state, in the form of written and oral notices given to state judges and officers, outlining his religious objections to interacting with the state in any corporate/franchise status (See filings in case # 20190370006790-6792, at City of Cayce Municipal Court, including all Affidavits, Motion to Compel, Motion For Reconsideration, and Motion to Dismiss; See also filings at Richland County Central Court including "Attachment "D" which is a Motion For Continuance, "Attachment F" which is a Motion To Join, and "Attachment G" which is a Motion to Dismiss). Further still, Mr. Daniels has given notices orally, on the records of various state courts (including this court), and in conversations with state officers.

Importantly, South Carolina Title 56, the section which creates the legal requirement for drivers licenses and vehicle registration, is void of any guidance directing a course of action to someone subjected to an undue religious burden as a

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result of the statutes provisions.

No accommodation, or guidance as to a process for making a request for accommodation, has ever been given to Mr. Daniels by any state officer or official in regards to the given notices of religious objection. Mr. Daniels has previously inquired of state officers and judges regarding the possibility that a notation be put on the state's records, so that he would not be repeatedly arrested and cited for driving without a license and registration. On more than one occasion, responses given on behalf of the state have informed Mr. Daniels that this is not possible, and that Mr. Daniels' only option was to get a license and register his truck. However, due to his adherence to his religious obligations, Mr. Daniels has refused to do so.

It is not reasonable in any interpretation of the state and federal constitutions, or the decisions of the U.S. Supreme Court, that the state can surreptitiously violate a Citizen's constitutionally protected rights to the free exercise of religion, and other protected rights, in pursuit of roadway regulation.

Further, the state is violating a plethora of laws by not making an accommodation for Mr. Daniels' sincerely held religious beliefs and practices, as well as violating his right to travel. Further still, the state has violated Mr. Daniels property rights without fair compensation.

5. **The means employed by the state in regulating Mr. Daniels' use of the public roadways are contrary to the requirements of the state and federal constitutions and are unlawful.**

In raising the defense allowed under SECTION 1-32-30(2), an examination must be undertaken to determine whether or not (1) the state has a compelling interest in demanding that Mr. Daniels register his truck and that he be licensed to operate an automobile on public roadways, (2) whether the methods employed against Mr. Daniels, as an individual (as required under SECTION 1-32-40) are the least restrictive means of furthering that compelling state interest, and (3) whether the means are reasonable under state and federal constitutional "compelling interest" and "strict scrutiny " analyses.

Mr. Daniels brings to the court's attention the case of *Thompson v. Smith,* decided by the V.A. Supreme Court. Thompson v. Smith, 155 Va. 367 — Va: Supreme Court (1930). Although, not specifically adjudicated in South Carolina, this case is on-point, as it addresses the law and precedent on issues pertaining to the

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present case from a constitutional perspective. The Virginia court's constitutional analysis should limit the scope of argument here, because it is not possible for a court in any one of the united States to lawfully reach a conclusion other than the one espoused by the Virginia Court. The relevant portion reads (bold added):

"The right of a citizen to travel upon the public highway and to transport his property thereon, by horsedrawn carriage, wagon, or automobile, is not a mere privilege which may be permitted or prohibited at will, but a common right which he has under his right to life, liberty and the pursuit of happiness. Under this constitutional guaranty one may, **therefore, under normal conditions, travel at his inclination along the public highways or in public places,** and while conducting himself in an orderly and decent manner, neither interfering with nor disturbing another's rights, he will be protected, not only in his person, but in his safe conduct."

"The exercise of such a common right the city may, under its police power, regulate in the interest of the public safety and welfare; **but it may not arbitrarily or unreasonably prohibit or restrict it, nor may it permit one to exercise it and refuse to permit another of like qualifications, under like conditions and circumstances, to exercise it.**

The regulation of the exercise of the right to drive a private automobile on the streets of the city may be accomplished in part by the city by granting, refusing, and revoking, **under rules of general application,** permits to drive an automobile on its streets; but such permits may not be arbitrarily refused or revoked, or permitted to be held by some and refused to other[s] of like qualifications, under like circumstances and conditions." *Thompson v. Smith*, 155 Va. 367 — Va: Supreme Court (1930).

In *Thompson v. Smith,* the Virginia court held that, "The exercise of such a common right the city may, under its police power, regulate in the interest of the public safety and welfare", therefore Mr. Daniels concedes that a compelling state interest exists regarding the state's need to regulate public roads in the interests of the public safety and welfare. However, it is NOT the case that the state's requirements imposed upon Mr. Daniels were/are the least restrictive means of furthering that compelling state interest. The state's motor vehicle laws do regulate through means that are less restrictive than those proposed to regulate Mr. Daniels' use of the public roadways.

For example, the law requiring vehicle registration is not one of general applicability, as there are many exemptions allowed. South Carolina SECTION 56-3-180 allows exemption from the requirement to register a motor vehicle, which may be done by way of special permit, among other ways, and reads as follows:

> "Special permits to operate vehicles otherwise required to be registered and licensed; restrictions.
>
> **The department may issue in writing special permits to operate vehicles otherwise required to be registered and licensed under this chapter when the vehicles do not display the required current license plate or plates or registration cards.** A special permit issued pursuant to this section, shall specify the date on which the permit expires,

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and must be carried at all times on the vehicle authorized to be operated." - South Carolina SECTION 56-3-180.

The state's laws also regulate in ways that are less restrictive than requiring state drivers licenses to operate a private automobile on public roadways. The law requiring drivers licenses is not one of general applicability, as many exemptions are allowed. South Carolina SECTION 56-1-30 allows several classes of persons an exemption from licensing requirements, and reads in part at item (3):

"Persons exempt from licensing requirements.

The following persons are exempt from licenses under this chapter:" .....

"(3) **Any nonresident who is at least eighteen years of age and whose home state or country does not require the licensing of operators may operate a motor vehicle for a period of not more than ninety days in any calendar year,** if the motor vehicle is duly registered in the home state or country of the nonresident and a nonresident on active duty in the Armed Services of the United States who has a valid license issued by his home state and the nonresident's spouse or dependent who has a valid license issued by his home state;" - South Carolina SECTION 56-1-30."

Many "generally applicable" laws provide categorical exceptions of one kind or another. Once a legislature has carved out an exemption for a secular group or person, the law is no longer "generally applicable," and thus subject to standards of strict scrutiny. As the U.S. Supreme Court opined, "where such a law is not neutral or not of general application, it must undergo the most rigorous of scrutiny: It must be justified by a compelling governmental interest and must be narrowly tailored to advance that interest." Church of the Lukumi Babalu Aye, Inc. v. Hialeah, 508 U.S. 520 (1993).

In *Church of the Lukumi Babalu Aye, Inc. v. Hialeah*, since the challenged ordinance both burdened religious practice and was not generally applicable, the Court applied both the "strict scrutiny" and the "compelling interest" standard to the city's actions, and the ordinance could not pass constitutional muster as enforced. In light of Mr. Daniels' constitutionally protected right to the free exercise of religion, the laws and purported violations presently before this court are due the same level of scrutiny, and do not pass muster because in this case they are being applied and enforced unconstitutionally.

No other governmental interest beyond public safety and welfare is acknowledged by the V.A. Supreme Court in its *Thompson v. Smith* decision. Whereas the Citizen's right to freely travel by automobile may be locally regulated by the state "in the interest of the public safety and welfare", such reasoning does not

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allow the state's regulating of Mr. Daniels' rights for the purposes of forcing him into adhesion contracts with the state, fund raising, tracking his private property, or any other unlawful purpose.

Because the state's application of the laws, as applied to Mr. Daniels, do not meet the "compelling interest" standard, an analysis under "strict scrutiny" is not necessary, as the laws at issue would not meet the higher standard.

6. In light of Mr. Daniels' religious objections, the state has made unlawful attempts to coerce his compliance with an unconstitutional application of the laws.

Importantly, the court please note that, "The right to travel is part of the 'liberty' that a citizen cannot be deprived of without due process of law." Kent v. Dulles, supra, 357 U.S. at 357 U. S. 125.[6]; U.S. v. Laub 385 U.S. 475.

To this day, and subsequent to receiving notices of Mr. Daniels' religious based objections, state officers with knowledge of his objections have made offers to NOT prosecute him for various "crimes", IF Mr. Daniels would comply with the state's licensing and registration requirements sans accommodation. This is an unlawful deprivation of rights under color of law and use of intimidation; further still, it's likely an unlawful abuse of prosecution. The state has unreasonably conditioned Mr. Daniels' religious rights, his property rights, and his right to travel on his willingness to cast aside his sincerely held religious beliefs and practices.

Instead of accommodation or guidance, Mr. Daniels has been threatened with jail and fines, and the frequent stops by various state officers have attempted to intimidate him from freely using the public roadways. The failure by the state to provide accommodation to Mr. Daniels or to offer guidance has resulted in his being essentially denied the freedom to travel on public roadways even though the state does "permit others of like qualifications, under like conditions and circumstances, to travel unmolested"; the sole distinction being Mr. Daniels' religion based refusal to obtain a state drivers license and registration.

---

[6] Kent v.Dulles 357 U.S. 125 (1958). The U.S. Supreme Court held that the right to travel is an inherent element of "liberty" that cannot be denied to American citizens. Although the Executive may regulate the travel practices of citizens, by requiring them to obtain valid passports, it may not condition the fulfillment of such requirements with the imposition of rules that abridge basic constitutional notions of liberty, assembly, association, and personal autonomy.

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It is a fact that some officers, prosecutors, and other officials representing the state appear to be totally uninformed of the laws requiring accommodation, as they have given erroneous advice and acted contrary to the law.

Importantly, the court please note that the state's violation of Mr. Daniels' constitutionally protected right to the free exercise of religion (U.S. Constitution, 1st Amendment and South Carolina Constitution Article 1, Section 2) while concurrently violating his property rights (U.S. Constitution, 4th, 5th, & 14th Amendments and South Carolina Constitution Article 1, Sections 3, 10, & 13), and also violating his right to liberty through free travel (U.S. Constitution, 5th & 14th Amendments and South Carolina Constitution Article 1, Section 3) constitutes a "hybrid situation", which empowers federal courts to examine the state's actions under both the "strict scrutiny" and the "compelling interest" standards.

B. NO JURY CAN EMPOWER THE STATE TO ACT CONTRARY TO THE STATE AND/OR FEDERAL CONSTITUTIONS. THE EVIDENCE IN FAVOR OF THE DEFENSE ALLOWED AT SOUTH CAROLINA SECTION 1-32-30(2) IS OVERWHELMING AND UNREBUTTED.

Importantly, the court please note that Mr. Daniels was never, and is not currently, required by law to park his truck and live under a self-imposed ban from travel upon the public roadways. According to the U.S. Supreme Court decision in *Shuttlesworth v. Birmingham,* Mr. Daniels need not wait on the state to come around to realizing that he must be accommodated in these matters. "Persons faced with an unconstitutional licensing law which purports to require a license as a prerequisite to exercise of rights... may ignore the law and engage with impunity in exercise of such right." Shuttlesworth v. Birmingham 394 U.S. 147 (1969).

Further, "If [state] officials construe a vague statute unconstitutionally, the citizen may take them at their word, and act on the assumption that the statute is void." - Shuttlesworth v. Birmingham 394 U.S. 147 (1969). Nonetheless, to avoid arrest and frequent prosecution, Mr. Daniels has been forced to abstain from the free exercise of his rights. In the present case, the laws as generally applied may not be vague, but as construed by officials in application to Mr. Daniels, as an individual (as required by South Carolina Section 1-32-40), the laws are being enforced unconstitutionally, and are therefore void. Mr. Daniels has given notices, requested accommodation, and not been accommodated or offered any guida

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A jury established and convened under the authority of the state constitution cannot, through any action, empower the state to act contrary to the laws establishing the state and federal governments. Both the state and the jury are bound by the same constitutional constraints.

Therefore, since (1) the free exercise of Mr. Daniels' sincerely held religious beliefs and practices prohibit his participation in the state's drivers license mandates, registration requirements, and/or undisclosed franchising schemes, and (2) Mr. Daniels has given adequate notices to the state of the burdens imposed on his free exercise of religion and requested reasonable accommodation, which was denied or neglected, and (3) since the state is enforcing it's licensing and registration requirements upon him in ways that are unduly burdensome to his free exercise of religion and NOT the least restrictive means of furthering the compelling state interest at issue, then it is a matter of law that no reasonable jury could find him guilty of the charges brought in this case.

Even if everything claimed by the prosecution were true, there exists no reasonable basis for a finding of guilty, or for any grant of relief to the state, as **no jury can approve a thing specifically forbidden by the law.**

C. MR. DANIELS IS SAFE AND COMPETENT IN HIS USE OF AUTOMOBILES AND, AGAIN, SEEKS REASONABLE ACCOMMODATION.

Importantly, Mr. Daniels is safe and competent in his use of automobiles, having previously passed drivers knowledge and skills tests in South Carolina and Texas. Mr. Daniels has previously possessed drivers licenses in both jurisdictions, and is not suspended or barred from obtaining a license in any jurisdiction, whatsoever. Mr. Daniels has been accused of only one moving violation in the last 10 years, and convicted of none. He has had no accidents during that time, and maintains financial responsibility for any liability arising from his use of automobiles.

Here, once again, Mr. Daniels is demanding as a religious accommodation, that the state recognize him as a God created natural person and NOT a corporate person in any interactions between himself and the state, and that his true given name (not a surreptitiously created all-caps, fictional corporate/franchise name) be placed on any and all documents relating to interactions between he and the state.

If the state refuses accommodation as demanded above, Mr. Daniels demands that while living in South Carolina, that (1) he be exempted from the requirement to

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obtain a drivers license in a manner similar to that allowed under South Carolina SECTION 56-1-30(3), and that (2) he be extended a special permit status as allowed under South Carolina SECTION 56-3-180.

THE COURT PLEASE NOTE THAT, Mr. Daniels objects to any form of dismissal of the charges in this case which results in an inconclusive result; as prior dismissals have not prevented continued violation of Mr. Daniels rights, it is necessary to have the issues decided with finality so that both the state and Mr. Daniels can take responsible action to prevent further deprivation of his rights.

D. CONCLUSION

In light of the above, the defense respectfully requests that this court grant this motion to quash.

It is further requested that this court issue an order calculated to authorize and/or inform the appropriate state officials (unknown, but possibly DMV officials) that Mr. Daniels must be recognized as a God created natural person and NOT a corporate person in interactions between himself and the state, and that his true given name (not a surreptitiously created all-caps, fictional corporate/franchise name) must be placed on any and all documents relating to interactions between Mr. Daniels and the state; **or in the alternative,** an order authorizing and informing appropriate state officials (unknown, but possibly DMV officials) that while living in South Carolina, (1) Mr. Daniels must be exempted from the requirement to obtain a drivers license in a manner similar to that allowed under South Carolina SECTION 56-1-30(3), and that (2) Mr. Daniels must be extended a special permit status as allowed under South Carolina SECTION 56-3-180; **or any other such order** that the court finds appropriate.

Respectfully Submitted,

Johnathan Martia Daniels, Compelled Attorney For the Defendant
PO Box 30651
Columbia, SC 29230
Chesssetbyj@yahoo.com

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Attachment A

Central Court

CASE HISTORY FOR CASE 6102P0332437

State of South Carolina vs Johnathan Daniels

ILED DATE: 7/18/2017

CASE TYPE: TR

STATUS: Disposed

ASSIGNED JUDGE: Central Court

DISPOSITION JUDGE: Simons, Donald Jeffrey

ARRESTING AGENCY: S C Highway Patrol

CASE PARTIES:

Defendant Daniels, Johnathan
2701 West Belfort, Houston, TX 77054

Officer *Flitter, Christopher M*
District #1, 1626 Shop Road, Columbia, SC 29201

Witness Daniels, Jonathan
Po Box 30651, Columbia, SC 29230

CASE HISTORY FOR CASE 6102P0332437

Daniels, Johnathan
2701 West Belfort

Houston, TX 77054

Age: 46
DL#: 14578422

DOB: 9/1/1975
SSN: 000-00-0000

CHARGE		VIOL. DATE	DISPOSITION	DISP. DATE
3243	Traffic / Expired vehicle license	7/1/2017	Nolle Prosequi	8/15/2019

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
Charge: Traffic / Expired vehicle license				
Fine to General Fund	$0.00	$0.00	$0.00	99
Victim Services Asm 38.0013% / 5.783	0.00	0.00	0.00	99
Law Enforcement Funding Surcharge $.	0.00	0.00	0.00	99
State Assessment	0.00	0.00	0.00	99
Total:	$0.00	$0.00	$0.00	

DATE	TIME	EVENT DESCRIPTION
7/25/2017	9:00 AM	Court event: Criminal/Traffic Court
7/25/2017	8:27 AM	Motion/Dismiss
7/25/2017	4:48 PM	Filing recorded: Jury Trial Requested
7/25/2017	12:00 AM	C40LWIDEMA recorded the following Case Note: **********JURY TRIAL REQUESTED **********
10/27/2017	12:00 AM	Filing recorded: Archived Court Summons
11/7/2017	5:02 PM	Motion/Discovery
12/11/2017	8:30 AM	Court event: Criminal/Traffic Jury Trial
12/14/2017	8:30 AM	Court event: Criminal/Traffic Jury Trial Day Certain -ND
12/14/2017	11:48 AM	Filing recorded: Continued/For Both Parties

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Print Date: 09/20/2021
Print Time: 2:05:12PM
Requested By: C40MREED

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CASE HISTORY FOR CASE 6102P0332437

3/3/2018	12:00 AM	Filing recorded: Archived Court Summons
3/6/2018	3:34 PM	Filing recorded: Continued/For State
3/6/2018	12:00 AM	C40MMENDOZ recorded the following Case Note: **********Continued from JT for State**********
3/6/2018	8:30 AM	Court event: Criminal/Traffic Jury Trial
2/8/2019	12:00 AM	Filing recorded: Archived Court Summons
2/22/2019	12:00 AM	C40MMENDOZ recorded the following Case Note: rcvd return mail- return to sender- insufficient address- unable to forward-
3/13/2019	11:26 AM	Filing recorded: Continued/For Defense
3/13/2019	9:00 AM	Court event: Criminal/Traffic Jury Trial Roster Meeting
7/31/2019	12:00 AM	Filing recorded: Archived Court Summons
8/15/2019	8:30 AM	Court event: Criminal/Traffic Jury Trial Day Certain
1/6/2021	12:00 AM	C40AHARTSS recorded the following Case Note: Got ahold of the defendant, Mr. Johnathan m Daniels. Mr. Daniels was informed that for his request of two audio recordings from two different court dates will his total pay amount will be, $40. Mr. Daniels will be sending in a money order.
1/7/2021	12:00 AM	C40SDASH recorded the following Case Note: certified case history sent to defendant per request Copy of letter in misc file front desk.

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Central Court

CASE HISTORY FOR CASE 20182850001504

State of South Carolina vs Johnathan M Daniels

ILED DATE: 4/25/2018

CASE TYPE: TR

STATUS: Disposed

ASSIGNED JUDGE: Central Court

DISPOSITION JUDGE: Cuff, Harold A.

ARRESTING AGENCY: University Of S C Police Department

CASE PARTIES:

Defendant Daniels, Johnathan M
2701 West Belfort, Apt 1418, Harris, TX 77054

Officer Cantrell, Julianna C
1415 Henderson Street, Columbia, SC 29208

Witness Daniels, Johnathan M.
P.O. Box 30651, Columbia, SC 29230

CASE HISTORY FOR CASE 20182850001504

Daniels, Johnathan M
2701 West Belfort, Apt 1418

Harris, TX 77054

Age: 46
DL#: 19578422

DOB: 5/1/1975
SSN: 000-00-0000

CHARGE		VIOL. DATE	DISPOSITION	DISP. DATE
2073	Traffic / Operating vehicle on highway without registration and license due to delinquency	3/16/2018	Nolle Prosequi	3/4/2020

COST	ORIGINAL	BALANCE DUE	DISBURSED	PAY PRIORITY
Charge: Traffic / Operating vehicle on highway without registration and licens	$0.00	$0.00	$0.00	999
Fine to General Fund	0.00	0.00	0.00	999
Victim Services Asm 38.0013% / 5.783	0.00	0.00	0.00	999
Law Enforcement Funding Surcharge $.	0.00	0.00	0.00	999
State Assessment				
Total:	$0.00	$0.00	$0.00	

DATE	TIME	EVENT DESCRIPTION
3/16/2018	9:05 AM	Court event: Criminal/Traffic Court
4/11/2018	9:30 AM	Court event: Criminal/Traffic Court
4/11/2018	5:04 PM	Filing recorded: Jury Trial Requested
4/11/2018	12:00 AM	C40CPITTS recorded the following Case Note: ***** Jury Trial Requested *****
4/25/2018	12:00 AM	C40CPITTS recorded the following Case Note: transferred to Central Court for JT division
4/26/2018	12:00 AM	C40SEVANS recorded the following Case Note: Received file from Traffic.
4/26/2018	10:55 AM	Filing recorded: Change of Address Criminal
3/18/2019	12:00 AM	Filing recorded: Archived Court Summons
4/17/2019	1:34 PM	Filing recorded: Continued/For Defense
4/17/2019	1:00 PM	Court event: Criminal/Traffic Jury Trial Roster Meeting

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Print Date: 09/20/2021
Print Time: 2:06:51PM
Requested By: C40MREED

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'2' J20	12:00 AM	Filing recorded: Archived Court Summons
'2. ,)20	8:30 AM	Court event: Criminal/Traffic Jury Trial
'3/_020	8:30 AM	Court event: Criminal/Traffic Jury Trial - ND
:6/2021	12:00 AM	C40AHARTSS recorded the following Case Note: Got ahold of the defendant, Mr. Johnathan m Daniels. Mr. Daniels was informed that for his request of two audio recordings from two different court dates will his total pay amount will be, $40. Mr. Daniels will be sending in a money order.
/7/2021	12:00 AM	C40SDASH recorded the following Case Note: certified case history sent to defendant per request. Copy of letter in misc file front desk.

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Attachment C

Flitter
JT 12-1-17
#67

STATE OF SOUTH CAROLINA, PLAINTIFF, VS *JOHNATHAN DANIELS*, DEFENDANT,	RICHLAND COUNTY MAGISTRATE COURT TICKET # 6102P0332437 MOTION FOR DISCOVERY

Pursuant to Rule 112, South Carolina Rules of Criminal Procedure, Defendant hereby moves the Court to order that Discovery begin in this case. Evidence vital to formulate a defense is needed and sought by right.

Johnathan Martia: Daniels, For the Defendant

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Attachment D

#67

STATE OF SOUTH CAROLINA, PLAINTIFF, VS *JOHNATHAN DANIELS,* DEFENDANT,	RICHLAND COUNTY MAGISTRATE COURT TICKET # 6102P0332437 MOTION FOR CONTINUANCE

Pursuant to Rule 110, South Carolina Rules of Criminal Procedure, Defendant hereby requests that this Court grant a continuance, and issue an order demanding that the prosecution respond to Defendant's discovery request or face sanctions. Plaintiff, the State of South Carolina (hereinafter "Plaintiff"), through the inaction of Officer Flitter, has refused to answer discovery requests served upon Plaintiff a month ago. The Plaintiff's has prevented the formation of a defense by refusing to provide information requested by Defendant's Motion for Discovery.

Defendant filed a Motion for Discovery on November 7th, 2017 and served Officer Flitter with a copy of the said motion and specific discovery requests on November 8th, 2017 via Certified First Class U.S. Mail, #7013 1090 0002 0385 0863. Plaintiff received the motion and discovery requests on November 13th, 2017. As of yesterday, there has been no response from anyone on behalf of the Plaintiff. Information vital to the defense was requested and refused by Plaintiff. Granting Defendant's request in this case is justified.

Please note that the natural person, Johnathan Daniels' participation in this forum, on behalf of Defendant is not undertaken willingly, but rather out of necessity, as State of South Carolina, through presumption and fraud would bring charges and impose upon Him if He were to refuse to act.

Respectfully submitted,

Johnathan Martia: Daniels, For the Defendant
P.O. Box 30651
Columbia, South Carolina 29230

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Attachment E

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STATE OF SOUTH CAROLINA, Plaintiff, vs. JOHNATHAN DANIELS, Defendant	RICHLAND COUNTY MAGISTRATE COURT (OLYMPIA) TICKET # 201828500015004 DEFENDANT'S REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 112, South Carolina Rules of Criminal Procedure, Defendant hereby requests Plaintiff produce for inspection the documents listed below. The documents requested are needed for the Defense in this case, and the request made herein is ongoing; Plaintiff will provide copies of any documents it controls between now and the day of trial. Good faith production of the documents requested is required, otherwise said documents cannot be used against the Defendant in the prosecution of this case. As used herein, "Document" includes any paper, recording, data file, and/or any other means of information recording and/or storage.

Documents Requested:

1. Any document that purports to create Plaintiff ownership of or license to use the DBA/fictitious person "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS" in commerce.
2. Any document that purports to create Plaintiff ownership of or license to use the trademark/service mark "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS" in commerce.
3. Any document that purports to create ANY form of franchise for the DBA/fictitious person "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS".
4. Any document that purports to create citizenship of or for a DBA/fictitious person "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS".
5. Any document that purports to create Citizenship of or for the natural person Johnathan Martia: Daniels.

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6. Any document that purports to disclose details of the existence, operation, and creation of any franchise, under STATE OF SOUTH CAROLINA, to the natural person Johnathan Martia: Daniels.

7. Any document that a natural person, born on the land called South Carolina, can submit to apply for citizenship, or the creation of a franchise, under STATE OF SOUTH CAROLINA.

8. Please provide copies of any law that purports to require a non-citizen, natural person to obey franchise legislation, regulations, or rules of STATE OF SOUTH CAROLINA.

Respectfully Requested,

Dated this 8th day of June, 2018

Johnathan Martia: Daniels,
for the Defendant
P.O. Box 30651
Columbia, SC 29230

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Attachment F

STATE OF SOUTH CAROLINA, PLAINTIFF, VS JOHNATHAN DANIELS, *DEFENDANT*	RICHLAND COUNTY MAGISTRATE COURT TICKET # 201828500015004 MOTION TO JOIN COPY

Pursuant to Rule 110, South Carolina Rules of Criminal Procedure. Defendant hereby requests that this court join cases presently in litigation between Plaintiff, State of South Carolina (hereinafter "Plaintiff") and Defendant. Prior to the initiation of this instant charge and case (failure to register), Plaintiff had initiated Case # 6102P0332437, which has progressed further; said case having the exact same nature and cause and being based on the same set of facts, and both cases will likely turn on the same facts as well. Further Plaintiff resides in Texas and incurs expense and inconvenience to attend hearings related to both cases.

Please note that the natural person, Johnathan Daniels' participation in this forum, on behalf of Defendant is not undertaken willingly, but rather out of necessity, as State of South Carolina, through presumption and fraud, would bring charges and impose on Him if He were to refuse to act. The current legal status of the truck in question has not changed (as Defendant would appear to knowingly acquiesce to fraud perpetrated by the Plaintiff through registration) and Defendant will prove that registration of the vehicle in question is not a lawful requirement in this case. If proven to be in error, Defendant agrees to pay the highest fine and register the truck immediately.

Respectfully Submitted,

Johnathan Martia: Daniels, For the Defendant
P.O. Box 30651
Columbia, South Carolina 29230

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Attachment G

STATE OF SOUTH CAROLINA, PLAINTIFF, VS JOHNATHAN DANIELS, *DEFENDANT*	RICHLAND COUNTY MAGISTRATE COURT TICKET # 201828500015004 MOTION FOR DISMISSAL COPY

Pursuant to Rule 110, South Carolina Rules of Criminal Procedure. Defendant hereby requests that this court dismiss the charges in this case, with prejudice. Plaintiff, State of South Carolina (hereinafter "Plaintiff"), through the inaction of its officers and agents, namely Officer Cantrell has refused to respond to Defendant's discovery requests. The Defense cannot lawfully be denied the opportunity to formulate a defense by being deprived of discovery.

Defendant requested and was granted discovery at the preliminary hearing at Olympia Court. Plaintiff was represented at the preliminary hearing by Officer Cantrell, and was aware of the request and approval. On June 11th, 2018, Defendant sent to Plaintiff, via Certified U.S. First Class Mail (#7018 0360 0001 0489 8197) a Request for Production of Documents and a Request For Identification of Witnesses. As of April 17th, 2019, there has been no response from the Plaintiff and information vital to the defense has been consequently refused. Further Plaintiff resides in Texas and incurs expense and inconvenience to attend hearings related to this case. In case dismissal is not granted, the case should be continued to allow time for Plaintiff to respond to discovery under threat of sanction.

Please note that the natural person, Johnathan Daniels' participation in this forum, on behalf of Defendant is not undertaken willingly, but rather out of necessity, as State of South Carolina, through presumption and fraud, would bring charges and impose on Him if He were to refuse to act.

Respectfully Submitted,

Johnathan Martial Daniels, For the Defendant
P.O. Box 30651
Columbia, South Carolina 29230

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Attachment H

CAYCE MUNICIPAL COURT

STATE OF SOUTH CAROLINA,

Plaintiff,

vs.

JOHNATHAN DANIELS,

Defendant

TICKET #'S:20190370006790-6792

DEFENDANT'S REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 112, South Carolina Rules of Criminal Procedure, Defendant hereby requests Plaintiff produce for inspection the documents listed below. The documents requested are needed for the Defense in this case, and the request made here is ongoing; Plaintiff will provide copies of any additional documents it becomes aware of between now and the day of trial. Good faith production of the documents requested is required, otherwise said documents cannot be used against the Defendant in the prosecution of this case.

Documents Requested:

1. Any document in possession of the Plaintiff that purports to create Plaintiff ownership of or license to use the DBA/fictitious person "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS" in commerce.
2. Any document in possession of the Plaintiff that purports to create Plaintiff ownership of or license to use the trademark/service mark "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS" in commerce.
3. Any document in possession of the Plaintiff that purports to create any form of franchise for the DBA/fictitious person "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS".
4. Any document in possession of the Plaintiff that purports to create Citizenship of or for a DBA/fictitious person "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS".

SC Dept. Of Public Safety Received FEB 12 2020 2 Lavern Jumper Rd Conway SC 29527

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5. Any document in possession of the Plaintiff that purports to create Citizenship of or for the natural person Johnathan Martia: Daniels.

6. Any document in possession of the Plaintiff that purports to disclose details of the existence, operation, and creation of any franchise, under STATE OF SOUTH CAROLINA, to the natural person Johnathan Martia: Daniels.

7. Any document in possession of the Plaintiff ("STATE OF SOUTH CAROLINA") that a natural person, born on the land called South Carolina, can submit to apply for citizenship, or the creation of a franchise under STATE OF SOUTH CAROLINA.

8. Please provide copies of any law which purports to require a non-citizen, natural person to obey franchise legislation, regulations, or rules of STATE OF SOUTH CAROLINA.

Respectfully Requested,

Dated this 2nd day of January, 2020

Johnathan Martia: Daniels
For the Defendant

Cayce Dept. Of Public Safety
Received
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2 Lavern Jumper Rd.
Cayce, SC 29033
SC

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STATE OF SOUTH CAROLINA, Plaintiff, vs. JOHNATHAN DANIELS, Defendant	CAYCE MUNICIPAL COURT TICKET #'S:20190370006790-6792 DEFENDANT'S REQUEST FOR IDENTIFICATION OF WITNESSES

Pursuant to Rule 112, South Carolina Rules of Criminal Procedure, Defendant hereby requests Plaintiff identify witnesses to be called, or subpoenaed, to testify at trial. The information requested is needed for the Defense in this case, and the request made here is ongoing; Plaintiff will provide information of any additional witnesses it becomes aware of between now and the day of trial. Good faith sharing of the information requested is required, otherwise omitted or "surprise" witnesses cannot be used against the Defendant in the prosecution of this case.

PLEASE IDENTIFY OR DESIGNATE A STATE OF SOUTH CAROLINA REPRESENTATIVE TO TESTIFY AT TRIAL IN REGARDS TO EACH OF THE FOLLOWING MATTERS. THE PERSON DESIGNATED SHOULD BE COMPETENT AND KNOWLEDGEABLE IN, AT LEAST, THE SPECIFIC MATTERS ITEMIZED BELOW. PLEASE IDENTIFY, IN THE SPACE PROVIDED, EACH INDIVIDUAL WHO CAN BE CALLED TO ANSWER EACH QUESTION BELOW:

1. How can a natural person, born on the land called South Carolina become a citizen of STATE OF SOUTH CAROLINA?

   Witness Name_____

   Witness Home Address_____

   Witness Business Address_____

   Witness Home Phone_____ Witness Business Phone_____

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2. Does STATE OF SOUTH CAROLINA create franchises for natural persons? If so, what triggers the creation of the franchise?

   Witness Name_____

   Witness Home Address_____

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Witness Business Address_____

Witness Home Phone_____ Witness Business Phone_____

3. Does STATE OF SOUTH CAROLINA give full disclosure of the creation, operation, and obligations related to state created franchises that create obligations for citizens? If so, by which form or method?

Witness Name_____

Witness Home Address_____

Witness Business Address_____

Witness Home Phone_____ Witness Business Phone_____

4. Is the Defendant charged in this case a natural person or a fictious person?

Witness Name_____

Witness Home Address_____

Witness Business Address_____

Witness Home Phone_____ Witness Business Phone_____

5. Is the Defendant charged in this case a fictious person created through a franchise agreement with STATE OF SOUTH CAROLINA?

Witness Name_____

Witness Home Address_____

Witness Business Address_____

Witness Home Phone_____ Witness Business Phone_____

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211 Lauren Jumper Rd.
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6. Are non-citizen, natural persons required to obey franchise rules and regulations of STATE OF SOUTH CAROLINA? If so, under what circumstances?

Witness Name_____

Witness Home Address_____

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Witness Business Address_____

Witness Home Phone_____ Witness Business Phone_____

Respectfully Requested,

Dated this 2nd day of January, 2020

Johnathan Martia: Daniels
For the Defendant

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STATE OF SOUTH CAROLINA,

PLAINTIFF,

VS

JOHNATHAN DANIELS,

DEFENDANT,

CITY OF CAYCE MUNICIPAL COURT

TICKET #'S: 20190370006790-6792

MOTION TO COMPEL AND AFFIDAVIT

Plaintiff copy

Pursuant to Rule 110, South Carolina Rules of Criminal Procedure, the defense in this case respectfully presents this motion to compel the prosecution in this case to respond to the attached discovery request. These requests were made prior to the COVID-19 event and were denied by officer Garman on behalf of the state. For the reasons set forth below, the prosecution should be ordered to cooperate fully with the discovery request and to respond in good faith.

In this action, STATE OF SOUTH CAROLINA, hereinafter also referred to as "the state", has named JOHNATHAN M. DANIELS as Defendant in an action for various victimless quasi-crimes. For reasons outlined below, the corporate person, JOHNATHAN M. DANIELS, as a non-living franchise of the state is likely not a proper subject of the state's contractually created duties and obligations. It should be noticed by the court that the natural person Johnathan Martia Daniels has held published common-law copyrights and valid servicemark (s) on the intellectual property "JOHNATHAN MARTIA DANIELS" and several variants, including JOHNATHAN M. DANIELS. As to the state treating the natural person, Johnathan Martia Daniels, as franchise operator or director of a state created JOHNATHAN M. DANIELS franchise, and seeking to enforce contractual obligations on his

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private conduct, no contract exists, and if it does, it was never fully disclosed and agreed to, and is therefore invalid and of no legal force or effect.

This case should turn on whether or not a valid contract exists between STATE OF SOUTH CAROLINA and the natural person, Johnathan Martia Daniels. At law, Johnathan Martia Daniels has possessed commercial interests in the published copyright (s) and servicemark (s) "JOHNATHAN MARTIA DANIELS" and several variants since the beginning of his life; Johnathan Martia Daniels has not contracted these interests away, nor has he knowingly agreed to become a franchise operator or director of any entity subsidiary to STATE OF SOUTH CAROLINA. Further, it is a fact that STATE OF SOUTH CAROLINA was given written notice of Johnathan Martia Daniels' ownership of, and commercial interests in, JOHNATHAN MARTIA DANIELS (and variants) in 2017.

The 13th amendment of the US Constitution, by which STATE OF SOUTH CAROLINA is bound, declares in part, "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

The 14th Amendment of the US Constitution states in part, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The natural person, Johnathan Martia Daniels, is not a willing franchise officer, executive or employee of any franchise in which STATE OF SOUTH CAROLINA has any interest. In the present case, STATE OF SOUTH CAROLINA appears to be engaged in, at the very least, peonage, deprivation of rights, and bills of attainder, all in violation of the abovementioned U.S. amendments as well as the state's own constitution, which declares at *Article I*, § 2, "Religious freedom; freedom of speech; right of assembly and petition, The

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General Assembly shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the government or any department thereof for a redress of grievances. (1970 (56) 2684; 1971 (57) 315.)"; at § 3, "Privileges and immunities; due process; equal protection of laws, The privileges and immunities of citizens of this State and of the United States under this Constitution shall not be abridged, nor shall any person be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws. (1970 (56) 2684; 1971 (57) 315.)"; and importantly, at § 4. "Attainder; ex post facto laws; impairment of contracts; titles; effect of conviction. No bill of attainder, ex post facto law, law impairing the obligation of contracts, nor law granting any title of nobility or hereditary emolument, shall be passed, and no conviction shall work corruption of blood or forfeiture of estate. (1970 (56) 2684; 1971 (57) 315.)"

"Crimes", such as failure to register, are not stemming from obligations created by a man's being born into the world or his mere existence in it, so it must follow that duties, such as the obligation to register the natural person, Johnathan Martia Daniels', truck to STATE OF SOUTH CAROLINA, are contractually created obligations; no other nexus in law creates the obligation.

The United States Supreme Court, in Brady v Maryland, required the turning over of all exculpatory material, erroring on the side of giving too much disclosure rather than giving too little. The United States Supreme Court explained further, in Kyle's v Whitley, that prosecutors are required to provide discovery of exculpatory information and materials in the possession or control of state agencies that have provided information to the prosecution.

In this present case, state agencies have provided information or materials to the prosecution, essentially witnessing against JOHNATHAN M. DANIELS. Johnathan Martia

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Daniels hopes and prays that officer Garman did not stop him for any unlawful reason, but rather that officer Garman relied on information from peripheral state agencies to investigate and make the decision. In his lawful scope of duties, Officer Garman must be an executor of the state's law and is not authorized to compose private law for the subjugation of private men and women.

It is well settled and accepted that governments do NOT gain jurisdiction over natural men and women by virtue of a man's or woman's mere existence. As the natural person, Johnathan Martia Daniels, had no obligation or liability created by his existence, and there being no evidence of a VALID contract creating such obligation or liability, it is certainly the case that information and material in possession or control of those agencies which provided information to officer Garman will likely be exculpatory, and must be subject to discovery.

Here, Johnathan Martia Daniels has requested (1) evidence as to whether STATE OF SOUTH CAROLINA holds any interests (franchise or otherwise) in the person of "JOHNATHAN M. DANIELS", (2) documents and information relating to any valid and relevant contract between Johnathan Martia Daniels or JOHNATHAN M. DANIELS and STATE OF SOUTH CAROLINA, and (3) the identification of witnesses (whom he intends to question at trial) working for STATE OF SOUTH CAROLINA agencies which have provided information to the prosecution in this case. The evidence requested is most certainly material, and even where such evidence or contract does not exist, STATE OF SOUTH CAROLINA must be required to state that fact on the record. The defense must be allowed access to information which would be exculpatory or reasonably allow the uncovering of exculpatory information, as these cannot be intentionally withheld from the defense.

Officer Garman's refusal to answer specific Brady/Kyles discovery requests related to agencies contributing information or documentation material to the prosecution is unlawful. In discussions with officer Garman, the above was explained, to which officer Garman stated

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that his videos and tickets were, "all I [he] have to give." Contrary to office Garman's reasoning, under the law (including, but not limited to, Brady and Kyles), those few items are not all that he is legally responsible to provide to the defense. The present action is not Garman vs JOHNATHAN M. DANIELS, but rather STATE OF SOUTH CAROLINA VS JOHNATHAN M. DANIELS. The state's records are the subject of discovery, not officer Garman's desk, so it must be that exculpatory evidence in possession of the state is discoverable. As prosecutor, officer Garman is required to provide discovery. The vast machinery of the state has been brought to bear against the liberty of a private individual, so the few questions posed to officer Garman are not onerous.

Due to the contractual nature of the purported obligation to register the natural person, Johnathan Martia Daniels', truck to STATE OF SOUTH CAROLINA, inter alia, the very existence or nonexistence, along with the specific terms of any obligating contract must be discoverable in light of Johnathan Martia Daniels' present attestation of the non-existence of any such purported contract creating obligations (see attached affidavit).

For these reasons, it is believed that this court should compel the prosecution to answer the requested discovery in this case. Alternatively, the prosecution should dismiss the charges altogether. To do otherwise would be contrary to established law and U.S. Supreme Court precedent, as well as prejudice the right to defense beyond the point of invalidating any subsequent trial, conviction, or sentence. Denying discovery of material and relevant contract information as outlined above, makes no sense when the defendant is accused of breaching a term of contract.

As regards officer Garman's labeling the natural person, Johnathan Martia Daniels, as a "soveriegn citizen", and officer Garman's insistence in pursuing this matter while denying the defense's proper discovery requests, the following is most respectfully mentioned for the benefit of the court and City of Cayce. Although a judge may enjoy a nearly impenetrable

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judicial immunity from direct suit and/or prosecution for errors or decisions made while acting as judicial officer, and state officer's directed by a judge may enjoy quasijudicial immunity by extension, municipalities themselves are not immune from suit as regards unconstitutional acts made or established as municipal policy by the conduct or decisions of a judge or judge directed officer; in South Carolina, a municipal judge is a policy maker for the municipality, and when he or she is given proper notice and time to consider, a judge's decision to allow unconstitutional or unlawful deprivations of rights can be considered ratification of illegal policies for which a municipality can be held liable. The above statement is not a quote, but rather a statement reflective of the Johnathan Martia Daniels' personal experiences in U.S. Federal Court. This court is hereby given the required notices and the attached affidavit.

The attached exhibit's (Exhibit A & Exhibit B) are copies of the discovery requests sent to the prosecution in January of 2020, which officer Garman has refused to answer thus far. Exhibit C is an affidavit and notice.

The defense in this matter respectfully requests that the court issue an order directing the prosecution to respond fully and in good faith to the discovery requests previously presented.

Johnathan Martia Daniels, For the Defendant
PO Box 30651
Columbia, SC 29230
Chesssetbyj@yahoo.com

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Exhibit "A"

CAYCE MUNICIPAL COURT

STATE OF SOUTH CAROLINA,

Plaintiff,

vs.

JOHNATHAN DANIELS,

Defendant

TICKET #'S:20190370006790-6792

DEFENDANT'S REQUEST FOR IDENTIFICATION OF WITNESSES

Pursuant to Rule 112, South Carolina Rules of Criminal Procedure, Defendant hereby requests Plaintiff identify witnesses to be called, or subpoenaed, to testify at trial. The information requested is needed for the Defense in this case, and the request made here is ongoing; Plaintiff will provide information of any additional witnesses it becomes aware of between now and tho day of trial. Good faith sharing of the information requested is required, otherwise omitted or "surprise" witnesses cannot be used against the Defendant in the prosecution of this case.

PLEASE IDENTIFY OR DESIGNATE A STATE OF SOUTH CAROLINA REPRESENTATIVE TO TESTIFY AT TRIAL IN REGARDS TO EACH OF THE FOLLOWING MATTERS. THE PERSON DESIGNATED SHOULD BE COMPETENT AND KNOWLEDGEABLE IN, AT LEAST, THE SPECIFIC MATTERS ITEMIZED BELOW. PLEASE IDENTIFY, IN THE SPACE PROVIDED, EACH INDIVIDUAL WHO CAN BE CALLED TO ANSWER EACH QUESTION BELOW:

1. How can a natural person, born on the land called South Carolina become a citizen of STATE OF SOUTH CAROLINA?

Witness Name_____

Witness Home Address_____

Witness Business Address_____

Witness Home Phone_____ Witness Business Phone_____

2. Does STATE OF SOUTH CAROLINA create franchises for natural persons? If so, what triggers the creation of the franchise?

Witness Name_____

Witness Home Address_____

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Witness Business Address_____

Witness Home Phone_____ Witness Business Phone_____

3. Does STATE OF SOUTH CAROLINA give full disclosure of the creation, operation, and obligations related to state created franchises that create obligations for citizens? If so, by which form or method?

Witness Name_____

Witness Home Address_____

Witness Business Address_____

Witness Home Phone_____ Witness Business Phone_____

4. Is the Defendant charged in this case a natural person or a fictious person?

Witness Name_____

Witness Home Address_____

Witness Business Address_____

Witness Home Phone_____ Witness Business Phone_____

5. Is the Defendant charged in this case a fictious person created through a franchise agreement with STATE OF SOUTH CAROLINA?

Witness Name_____

Witness Home Address_____

Witness Business Address_____

Witness Home Phone_____ Witness Business Phone_____

6. Are non-citizen, natural persons required to obey franchise rules and regulations of STATE OF SOUTH CAROLINA? If so, under what circumstances?

Witness Name_____

Witness Home Address_____

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Witness Business Address_____

Witness Home Phone_____ Witness Business Phone_____

Respectfully Requested,

Dated this 2nd day of January, 2020

Johnathan Martia: Daniels
For the Defendant

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Exhibit "B"

STATE OF SOUTH CAROLINA,

Plaintiff,

vs.

JOHNATHAN DANIELS,

Defendant

CAYCE MUNICIPAL COURT

TICKET #'S:20190370006790-6792

DEFENDANT'S REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 112, South Carolina Rules of Criminal Procedure, Defendant hereby requests Plaintiff produce for inspection the documents listed below. The documents requested are needed for the Defense in this case, and the request made here is ongoing; Plaintiff will provide copies of any additional documents it becomes aware of between now and the day of trial. Good faith production of the documents requested is required, otherwise said documents cannot be used against the Defendant in the prosecution of this case.

Documents Requested:

1. Any document in possession of the Plaintiff that purports to create Plaintiff ownership of or license to use the DBA/fictitious person "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS" in commerce.
2. Any document in possession of the Plaintiff that purports to create Plaintiff ownership of or license to use the trademark/service mark "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS" in commerce.
3. Any document in possession of the Plaintiff that purports to create ANY form of franchise for the DBA/fictitious person "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS".
4. Any document in possession of the Plaintiff that purports to create Citizenship of or for a DBA/fictitious person "JOHNATHAN DANIELS", "JOHNATHAN M. DANIELS" or "JOHNATHAN MARTIA DANIELS".

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5. Any document in possession of the Plaintiff that purports to create citizenship of or for the natural person Johnathan Martia: Daniels.

6. Any document in possession of the Plaintiff that purports to disclose details of the existence, operation, and creation of any franchise, under STATE OF SOUTH CAROLINA, to the natural person Johnathan Martia: Daniels.

7. Any document in possession of the Plaintiff ("STATE OF SOUTH CAROLINA") that a natural person, born on the land called South Carolina, can submit to apply for citizenship, or the creation of a franchise under STATE OF SOUTH CAROLINA.

8. Please provide copies of any law which purports to require a non-citizen, natural person to obey franchise legislation, regulations, or rules of STATE OF SOUTH CAROLINA.

Respectfully Requested,

Dated this 2nd day of January, 2020

Johnathan Martia: Daniels
For the Defendant

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Exhibit "C"

AFFIDAVIT AND NOTICE OF FACTS

I, the undersigned, Johnathan Martia Daniels, being over 21 years of age, of sound mind, and able to state the truth of these matters from firsthand knowledge do herby say, state and attest to the following, which are wholly true:

(1). I have a religious obligation, as stated at Galations 5:1-6, and Romans 3:19 to which I adhere adamantly, and I am duty bound to avoid slavery, peonage, and involuntary servitude at all times and in all forms.

(2). I, Johnathan Martia Daniels, hold the sole valid commercial and property interest in "JOHNATHAN MARTIA DANIELS" and its variants, including JOHNATHAN M. DANIELS, as was published and claimed before My birth and later given to Me as My personal property by My Father, Benjamin Daniels Jr.

(3). I, Johnathan Martia Daniels, have neither a license nor a contract which requires that I be licensed by STATE OF SOUTH CAROLINA, nor am I obligated to register My property with STATE OF SOUTH CAROLINA.

(4). I, Johnathan Martia Daniels, deny the existence of any valid contract between Myself and STATE OF SOUTH CAROLINA which creates any obligation on Me whatsoever, and I demand evidence of any such claimed or presumed contract be placed before the court in writing; where specifically denied, no presumption of contract can be binding upon Me without evidence.

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(5). I, Johnathan Martia Daniels have never been willing, and am currently unwilling, to voluntarily act as any type of officer or representative for any undisclosed state created franchise, and unless My agreement and full disclosure is proven, I disagree to be bound to any obligation so created; the state forcing Me to represent a undisclosed franchise over My objection is involuntary servitude and peonage, which are prohibited by law.

(6) I, Johnathan Martia Daniels, am litigating this case only out of necessity, and not out of a voluntary desire to do so. If I were to refuse to act, STATE OF SOUTH CAROLINA would use it's laws to attack My personal property, My liberty, and My freedom.

Further Affiant Sayeth Not

Johnathan: Martia Daniels, Affiant

Jurat
State of South Carolina
County of Richland

Johnathan Martia Daniels, appearing before the undersigned notary and being duly sworn (or affirmed), says that the above statements of fact are true, correct, and not misleading. Sworn to (or affirmed) and subscribed before me this the 24 day of [illegible] 20[illegible]

JAMES B. HOLLISTER NOTARY PUBLIC SOUTH CAROLINA

Official Signature of Notary

(Official Seal)

JAMES B. HOLLISTER
Notary's Printed Name

My commission expires: JULY 15 20[illegible]

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Attachment J

Defense Copy

STATE OF SOUTH CAROLINA, PLAINTIFF, VS JOHNATHAN DANIELS, DEFENDANT,	CITY OF CAYCE MUNICIPAL COURT TICKET #'S: 20190370006790-6792 MOTION TO RECONSIDER AND NOTICE OF OBJECTION

Pursuant to Rule 110, South Carolina Rules of Criminal Procedure, the defense in this case respectfully presents this notice of objection and motion to reconsider the court's denial of the defense's motion to compel, which was denied on September 2nd, 2020. The court's grounds for denial of the motion are unclear at the moment, however, based on reason and precedent it is very likely that the prosecution should be ordered to cooperate fully with the discovery requests and to respond in good faith, as was requested in the denied motion to compel.

The United States Supreme Court, in Brady v Maryland, required the turning over of all exculpatory material, erroring on the side of giving too much disclosure rather than giving too little (***Brady v. Maryland*** (1963), held that the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution). The United States Supreme Court explained further, in Kyle's v Whitley, that prosecutors are required to provide discovery of exculpatory information and materials in the possession or control of state agencies that have provided information to the prosecution. (***Kyles v. Whitley***, 514 U.S. 419 (1995), held that a prosecutor has an affirmative duty to disclose evidence favorable to a defendant).

In this present case, state agencies have provided information or materials to the prosecution, essentially witnessing against JOHNATHAN M. DANIELS. This case should turn on (1) whether or not the corporate/franchise defendant is properly authorized to exist under law and not in violation of private property rights and (2) whether or not a VALID

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nexus and contract exists between STATE OF SOUTH CAROLINA and the natural person, Johnathan Martia Daniels.

As evidenced by affidavit before this court, at Law, Johnathan Martia Daniels has possessed commercial interests in the published copyright (s) and servicemark (s) "JOHNATHAN MARTIA DANIELS" and several variants since the beginning of his life (1975); Johnathan Martia Daniels has not contracted those interests away, nor has he knowingly agreed to become a franchise operator or director of any entity subsidiary to STATE OF SOUTH CAROLINA. The state has never given any disclosure of enfranchisement and Johnathan Martia Daniels has never knowingly authorized any such entity or attachment. Further, it is a fact that STATE OF SOUTH CAROLINA was given written notice of Johnathan Martia Daniels' ownership of, and commercial interests in, JOHNATHAN MARTIA DANIELS (and variants) in 2017. The court please note that, Johnathan Martia Daniels did not/does not use his truck under state license, and no state issued license plate was/is used on his truck, as it is strictly private property.

Due to the contractual nature of the purported obligation to register private property to STATE OF SOUTH CAROLINA, inter alia, the very existence or nonexistence, along with the specific terms of any obligating contract must be discoverable in light of Johnathan Martia Daniels' present attestation of the non-existence of any such purported contract creating obligations (sworn affidavit). The evidence requested is most certainly material, and even where such evidence or contract does not exist, STATE OF SOUTH CAROLINA must be required to admit that it does not. At trial, officer Garman is likely to claim ignorance of the subject, so witnesses for the state should be identified so that information can be brought to light. The defense must be allowed access to information which would be exculpatory or reasonably allow the uncovering of exculpatory information, as these cannot be intentionally withheld from the defense.

The vast machinery of the state has been brought to bear against the freedom and liberty of a private individual, so the few questions posed to officer Garman, for the state, are not onerous.

For these reasons, it is believed that this court should compel the prosecution to answer the requested discovery in this case. Alternatively, the prosecution should dismiss the charges altogether. The defense in this matter respectfully requests that the court reconsider and issue an order directing the prosecution to respond fully and in good faith to the discovery requests previously presented.

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OBJECTION: (1) In the instance that the court rule to deny this current motion and ratify its initial denial of the defense's motion to compel, the defense in this matter hereby objects to the ruling and denial and preserves the matter for review on appeal. No grounds have yet been given by the court as reason for the ruling and denial, so the defense cannot respond further on this matter. (2) Further, the defense objects to officer Garman acting as both executor and prosecutor in this case, as his acting in two branches of state government (executive and judicial) at the same time, with obviously inadequate training, allows for prejudicial prosecution of untenable charges where they should not be pursued.

The court please note that no disrespect is intended to the court or the officer, but rather a clear statement of the defense's objections. As COVID has these issues heard through writings and without hearings, the tone and temperament of statements may have been misconstrued.

Respectfully Submitted,

Johnathan Martia Daniels, For the Defendant
PO Box 30651
Columbia, SC 29230
Chesssetbyj@yahoo.com

RECEIVED
CAYCE MUNICIPAL COURT
SEP 11 2020
POST OFFICE BOX 3408
CAYCE, SC 29171

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CAYCE, SC 29171

STATE OF SOUTH CAROLINA, PLAINTIFF, VS JOHNATHAN DANIELS, DEFENDANT,	CITY OF CAYCE MUNICIPAL COURT TICKET #'S: 20190370006790-6792 MOTION TO DISMISS FOR LACK OF JURISDICTION

Pursuant to Rule 110, South Carolina Rules of Criminal Procedure, the defense in this case respectfully presents this motion to dismiss the present charges due to a lack of subject matter, in personam, and in rem jurisdiction. For the reasons set forth below, it is requested that the court order dismissal, with prejudice.

In this present action, STATE OF SOUTH CAROLINA, hereinafter also referred to as "the state", has named JOHNATHAN M. DANIELS as Defendant in an action for various victimless quasi-crimes.

Firstly, and again, the court is put on notice that the natural person Johnathan Martia Daniels has held published common-law copyrights and valid servicemark (s) on the intellectual property "JOHNATHAN MARTIA DANIELS" and several variants, including JOHNATHAN M. DANIELS since 1975; and as for the state's presumption that the natural person, Johnathan Martia Daniels, is a franchise operator or director of a state created JOHNATHAN M. DANIELS franchise, and the state seeking to enforce contractual obligations on his private conduct, no contract exists, and if it does, it was neither lawfully disclosed nor consented to, being therefore invalid and of no legal force or effect.

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As such, the corporate person, JOHNATHAN M. DANIELS, as a non-living, unauthorized, franchise of the state is not a proper subject of the state's contractually created duties and obligations. In this and other matters between the present parties, this court, and other state courts, have been given notice and information that (1) the state has unlawfully created (in violation of Johnathan Martia Daniels' copyrights, notice given to the state in 2017) and improperly attached it's purported JOHNATHAN M. DANIELS franchise to the natural person, Johnathan Martia Daniels without his informed consent, tacit consent, or any other legally valid form of consent; that (2) this court has clear evidence before it, by way of unrebutted affidavits, that no consent was ever given by Johnathan Martia Daniels and that no contract exists between the parties; that (3) Johnathan Martia Daniels has never volunteered to serve the state in any franchise/franchisee relationship or capacity, and (4) that Johnathan Martia Daniels is bound by no prior conviction or legal impairment which would allow his coercion into the office of franchisee by the state to stand as anything other than unlawful slavery, involuntary servitude, and/or peonage. Again, there is no evidence in the record which rebuts these facts (1-4 above).

The defense has previously submitted a motion to the court to compel the state's prosecutor to allow discovery of documents and information proving the jurisdiction of the court and a bonafide obligation or duty owed to the state. However, the motion to compel was denied by the court, the decision having been made that the defense had no legal right to discover the materials requested. As a result, the defense is forced to, respectfully, submit this motion to the court, to which the state is required to prove jurisdiction, on the record. Presumed to know the law, this court is aware that it is the

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prosecutor's responsibility to prove the court has jurisdiction, and where a judge arbitrarily claims the court has jurisdiction, he is violating the defendant's right to due process of the law. "A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any case before a tribunal is its power to act, and a court must have the authority to decide that question in the first instance." Rescue Army v. Municipal Court of Los Angeles, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S.Ct. 1409.

In the present case, the state's PROSECUTOR **must** prove the court's jurisdiction and the court must make a ruling on this motion based on the evidence before the court, without any presumption. "There is no discretion to ignore lack of jurisdiction." Joyce v. U.S. 474 2D 215. "Jurisdiction can be challenged at any time." and "Jurisdiction, once challenged, cannot be assumed and must be decided." Basso v. Utah Power & Light Co., 495 F 2d 906, 910. The law provides that once the State and Federal Jurisdiction has been challenged, it must be proven." Main V. Thiboutot, 100 S. Ct. 2502 (1980). Once jurisdiction is challenged, it must be proven." Hagans V. Lavine, 415 U.S. 533.

Further, this case cannot proceed any further until this jurisdictional challenge has been answered and proven, on the record. "Where there is absence of jurisdiction, all administrative and judicial proceedings are a nullity and confer no right, offer no protection, and afford no justification, and may be rejected upon direct attack." Thompson V. Tolmie, 2 Pet. 157, 7 L. Ed. 381; Griffith V. Frazier, 8 Cr. 9, 3 L.Ed. 471. "No sanctions can be imposed absent of proof of jurisdiction." Standard V. Olsen, 74 S. Ct. 768; Title 5 U.S.C., Sec. 556 and 558(b). "A judgment rendered by a court without personal jurisdiction over the defendant is void. It is a nullity. [A judgment shown to be void for lack of personal service on the defendant is a nullity.] Sramek v. Sramek, 17

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Kan. App. 2d 573, 576-77, 840 P.2d 553 (1992), rev. denied 252 Kan. 1093 (1993). "A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court" OLD WAYNE MUT. L. ASSOC. v. McDONOUGH, 204 U. S. 8, 27 S. Ct. 236 (1907). "A universal principle as old as the law is that a proceedings of a court without jurisdiction are a nullity and its judgment therein without effect either on person or property." Norwood v. Renfield, 34 C 329; Ex parte Giambonini, 49 P. 732. "Jurisdiction is fundamental and a judgment rendered by a court that does not have jurisdiction to hear is void ab initio." In Re Application of Wyatt, 300 P. 132; Re Cavitt, 118 P2d 846. "Thus, where a judicial tribunal has no jurisdiction of the subject matter on which it assumes to act, its proceedings are absolutely void in the fullest sense of the term." Dillon v. Dillon, 187 P 27.

Let it be known, until such a time as written proof of jurisdiction is demonstrated and filed in the court record of this case, Johnathan Martia Daniels shall be entitled to the conclusive presumption that lawful jurisdiction is lacking in personam, in rem, and in subject-matter. Further still, Johnathan Martia Daniels intends to prosecute to the fullest extent of the Law anyone who infringes his rights as "officers of the court have no immunity, when violating a constitutional right, from liability, for they are deemed to know the law, Owens V. City of Independence, 448 U.S. .1, 100 S. Ct. 2502; Hafer V. Melo, 502 U.S. 21.

This challenge is timely and must be answered when once the issue is ripe. "Jurisdiction can be challenged at any time, even on final determination." Basso V. Utah Power & Light Co., 495 2nd 906 at 910.

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It is the court's duty to ensure that presumption and unlawful subjugation by the state are not imposed on Johnathan Martia Daniels, as described and detailed throughout the record of this case. "A departure by a court from those recognized and established requirements of law, however close apparent adherence to mere form in method of procedure, which has the effect of depriving one of a constitutional right, is an excess of jurisdiction." Wuest v. Wuest, 127 P2d 934, 937. "Where a court failed to observe safeguards, it amounts to denial of due process of law, court is deprived of juris." Merritt v. Hunter, C.A. Kansas 170 F2d 739.

Again, as regards officer Garman's labeling the natural person, Johnathan Martia Daniels, as a "soveriegn citizen", and the prosecution's insistence in pursuing this matter, the following is most respectfully mentioned for the benefit of the court and City of Cayce. Although a judge may enjoy a nearly impenetrable judicial immunity from direct suit and/or prosecution for errors or decisions made while acting as judicial officer, and state officer's directed by a judge may enjoy quasijudicial immunity by extension, municipalities themselves are not immune from suit as regards unconstitutional acts made or established as municipal policy by the conduct or decisions of a judge or judge directed officer; in South Carolina, a municipal judge is a policy maker for the municipality, when he or she is given proper notice and time to consider, a judge's decision to allow unconstitutional or unlawful deprivations of rights can be considered ratification of illegal policies for which a municipality can be held liable. This court is hereby given the required notices. Please take notice of the attached affidavit.

The defense in this matter respectfully suggests that the charges be dismissed , with prejudice.

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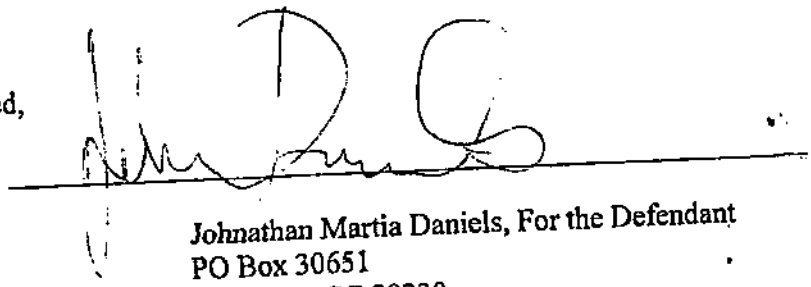
Respectfully Submitted,



Johnathan Martia Daniels, For the Defendant
PO Box 30651
Columbia, SC 29230
Chesssetbyj@yahoo.com

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AFFIDAVIT AND NOTICE OF FACTS

I, the undersigned, Johnathan Martia Daniels, being over 21 years of age, of sound mind, and able to state the truth of these matters from firsthand knowledge do herby say, state and attest to the following, which are wholly true:

(1). I have a religious obligation, as stated at KJV, Galations 5:1-6, and Romans 3:19 to which I adhere adamantly, and I am duty bound to avoid slavery, peonage, and involuntary servitude at all times and in all forms.

(2). I, Johnathan Martia Daniels, hold the sole valid commercial and property interest in "JOHNATHAN MARTIA DANIELS" and its variants, including JOHNATHAN M. DANIELS, as was published and claimed before My birth and later given to Me as My personal property by My Father, Benjamin Daniels Jr.

(3). I, Johnathan Martia Daniels, have neither a license nor a contract which requires that I be licensed by STATE OF SOUTH CAROLINA, nor am I obligated to register My property with STATE OF SOUTH CAROLINA.

(4). I, Johnathan Martia Daniels, deny the existence of any contract between Myself and STATE OF SOUTH CAROLINA which creates any obligation on Me whatsoever, and I demand evidence of any such claimed or presumed contract be placed before the court in writing; where specifically denied, no presumption of contract can be binding upon Me without evidence.

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(5). I, Johnathan Martia Daniels have never been willing, and am currently unwilling, to voluntarily act as any type of officer or representative for any undisclosed state created franchise, and unless My agreement and full disclosure is proven, I disagree to be bound to any obligation so created; the state forcing Me to represent a undisclosed franchise over My objection is slavery, involuntary servitude and peonage, which are prohibited by law.

(6). I, Johnathan Martia Daniels, am litigating this case only out of necessity, and not out of a voluntary desire to do so. If I were to refuse to act, STATE OF SOUTH CAROLINA would use it's laws and officers to attack My personal property and My liberty.

(7). The entity JOHNATHAN M. DANIELS, as charged by STATE OF SOUTH CAROLINA and associated with the man, Johnathan Martia Daniels, is not lawfully created or authorized to exist.

(8). I, Johnathan Martia Daniels, called a "nigger" in this land, am a Negro descendant (Negro being My family name, and not a race) and Sephardic man born in this land, Son of Benjamin Daniels, Himself being son of Benjamin Daniels, Himself being son of Benjamin Daniels, Himself being son of Enoch Daniels, and further Negro Fathers in My line to High Steward of the Realm, Yahia Himself; once enslaved and subjected to the pains and liabilities of Alhambra of 1492, now free in all respects, Alhambra having been repealed and withdrawn in 2012, adjudged void ab initio, the enslavement of My People never duly authorized, and now prohibited to ever be recognized to my detriment. I am

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free with neither lawful nor legal impairment none whatsoever, having been so prior to the creation of the state of South Carolina and prior to the creation of the United States, I am not freed by any state and am without need of statutorily created freedoms, rights, or privileges. * I use state created laws only for enforcement *

(9). People of this land previously attempted to change My Family's names, in the hopes that We would forget who We are, but society at large still knows that I am a Negro, termed "Nigger" in modern parlance, the outstanding "Koon" of extraordinary talent and ability, hence My claim cannot be rebutted by anyone, as the truth is obvious on its face.

Further Affiant Sayeth Not.

Johnathan: Martia Daniels, Affiant

Jurat

State of South Carolina

County of Richland

Johnathan Martia Daniels, appearing before the undersigned notary and being duly sworn (or affirmed), says that the above statements of fact are true, correct, and not misleading. Sworn to (or affirmed) and subscribed before me this the 3rd day of July, 2021.

Official Signature of Notary (Official Seal)

Lauren N Connolly

Notary's Printed Name My commission expires: 10/21/2030

LAUREN N. CONNOLLY
Notary Public-State of South Carolina
My Commission Expires
October 21, 2030

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NO SCDL 1ST:

SECTION 56-1-20. Driver's license required; surrender and disposition of out-of-state licenses; local licenses.

No person, except those expressly exempted in this article shall drive any motor vehicle upon a highway in this State unless such person has a valid motor vehicle driver's license issued to him under the provisions of this article. No person shall receive a motor vehicle driver's license unless and until he surrenders to the Department of Motor Vehicles all valid operator's licenses in his possession issued to him by any other state. All surrendered licenses shall be returned by the Department to the issuing department, agency or political subdivision. No person shall be permitted to have more than one valid motor vehicle driver's license or operator's license at any time,

Any person holding a currently valid motor vehicle driver's license issued under this article may exercise the privilege thereby granted upon all streets and highways in the State and shall not be required to obtain any other license to exercise such privilege by any county, municipal or local board or body having authority to adopt local police regulations; provided, however, that this provision shall not serve to prevent a county, municipal or local board from requiring persons to obtain additional licenses to operate taxis, buses, or other public conveyances.

HISTORY: 1962 Code Section 46-152; 1952 Code Section 46-152; 1942 Code Section 5983; 1932 Code Section 5983; 1930 (36) 1057; 1959 (51) 421.

SECTION 56-1-440. Penalties for driving without license; summary court jurisdiction.

(A) A person who drives a motor vehicle on a public highway of this State without a driver's license in violation of Section 56-1-20 is guilty of a misdemeanor and, upon conviction of a first offense, must be fined not less than fifty dollars nor more than one hundred dollars or imprisoned for thirty days and, upon conviction of a second offense, be fined five hundred dollars or imprisoned for forty-five days, or both, and for a third and subsequent offense must be imprisoned for not less than forty-five days nor more than six months. However, a charge of driving a motor vehicle without a driver's license must be dismissed if the person provides proof of being a licensed driver at the time of the violation to the court on or before the date this matter is set to be disposed of by the court.

(B) The summary courts are vested with jurisdiction to hear and dispose of cases involving a violation of this section.

HISTORY: 1962 Code Section 46-191; 1952 Code Section 46-181; 1942 Code Section 1637; 1932 Code Section 1637; Cr. C. '22 Section 590; 1920 (31) 895; 1933 (38) 214; 1959 (51) 421; 1988 Act No. 532, Section 2; 1999 Act No. 100, Part II, Section 103A; 2001 Act No. 90, Section 1; 2010 Act No. 273, Section 14.A, eff June 2, 2010.

NO VEHICLE TAG:

SECTION 56-3-110. Vehicles required to be registered and licensed.

Every motor vehicle, trailer, semitrailer, pole trailer and special mobile equipment vehicle driven, operated or moved upon a highway in this State shall be registered and licensed in accordance with the provisions of this chapter. It shall be a misdemeanor for any person to drive, operate or move upon a highway or for the owner knowingly to permit to be driven, operated or moved upon a highway any such vehicle which is not registered and licensed and the required fee paid as provided for in this chapter.

SECTION 56-3-2520. Penalties.

It is a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is by this chapter or other law of this State declared to be a felony. Unless another penalty is by the laws of this State provided every person convicted of a misdemeanor for violation of any provisions of this chapter shall be punished by a fine of not more than one hundred dollars or imprisonment for not more than thirty days.

HISTORY: 1962 Code Section 46-122; 1952 Code Section 46-122; 1949 (46) 342.

Title 1 - Administration of the Government

CHAPTER 32

South Carolina Religious Freedom Act

SECTION 1-32-10. Short title.

This chapter may be cited as the "South Carolina Religious Freedom Act".

HISTORY: 1999 Act No. 38, Section 1.

SECTION 1-32-20. Definitions.

In this chapter:

(1) "Demonstrates" means meets the burdens of going forward with the evidence and of persuasion.

(2) "Exercise of religion" means the exercise of religion under the First Amendment to the United States Constitution or Article I, Section 2 of the State Constitution.

(3) "Person" includes, but is not limited to, an individual, corporation, firm, partnership, association, or organization.

(4) "State" means the State of South Carolina and any political subdivision of the State and includes a branch, department, agency, board, commission, instrumentality, entity, or officer, employee, official of the State or a political subdivision of the State, or any other person acting under color of law.

HISTORY: 1999 Act No. 38, Section 1.

SECTION 1-32-30. Purposes of chapter.

The purposes of this chapter are to:

(1) restore the compelling interest test as set forth in Wisconsin v. Yoder, 406 U.S. 205 (1972), and Sherbert v. Verner, 374 U.S. 398 (1963), and to guarantee that a test of compelling state interest will be imposed on all state and local laws and ordinances in all cases in which the free exercise of religion is substantially burdened; and

(2) provide a claim or defense to persons whose exercise of religion is substantially burdened by the State.

HISTORY: 1999 Act No. 38, Section 1.

SECTION 1-32-40. Restriction on state's ability to burden exercise of religion.

The State may not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability, unless the State demonstrates that application of the burden to the person is:

(1) in furtherance of a compelling state interest; and

(2) the least restrictive means of furthering that compelling state interest.

HISTORY: 1999 Act No. 38, Section 1.

SECTION 1-32-45. Inmate litigation.

This chapter does not affect the application of and must be applied in conjunction with Chapter 27 of Title 24, concerning inmate litigation.

HISTORY: 1999 Act No. 38, Section 1.

SECTION 1-32-50. Burden on exercise of religion a claim or defense; attorney's fees.

If a person's exercise of religion has been burdened in violation of this chapter, the person may assert the violation as a claim or defense in a judicial proceeding. If the person prevails in such a proceeding, the court shall award attorney's fees and costs.

HISTORY: 1999 Act No. 38, Section 1.

SECTION 1-32-60. Applicability; construction.

(A) This chapter applies to all state and local laws and ordinances and the implementation of those laws and ordinances, whether statutory or otherwise, and whether adopted before or after the effective date of this act.

(B) Nothing in this chapter may be construed to authorize the State to burden any religious belief.

(C) Nothing in this chapter may be construed to affect, interpret, or in any way address:

(1) that portion of the First Amendment of the United States Constitution prohibiting laws respecting the establishment of religion;

(2) that portion of Article I, Section 2 of the State Constitution prohibiting laws respecting the establishment of religion.

(D) Granting state funding, benefits, or exemptions, to the extent permissible under the constitutional provisions enumerated in subsection (C)(1) and (2), does not constitute a violation of this chapter.

As used in this subsection, "granting", with respect to state funding, benefits, or exemptions, does not include the denial of government funding, benefits, or exemptions.

HISTORY: 1999 Act No. 38, Section 1.

Form S-438
Rev. 09/2015

UNIFORM TRAFFIC TICKET

STATE OF SOUTH CAROLINA
VERSUS

CITY/COUNTY OF: (See Below)

VIOLATOR

FIRST NAME	MIDDLE NAME	LAST NAME
JOHNATHAN	MARTIA	DANIELS

STREET: POST OFFICE BOX 30651

CITY: COLUMBIA | STATE: SC | ZIP CODE: 29230

DL STATE	DRIVER'S LICENSE NO.	CLASS	CDL
SC	105349857	I	☐ YES ☒ NO

RACE	SEX	BIRTH DATE	HGT.	WGT.	HAIR	EYES
B	M	05/01/1975	6-0	180	BLK	BRO

VEHICLE

VEH. LIC. NO.	STATE	MAKE OF VEH.	YEAR	☐ COMM VEH	☒ AUTO	☐ BICYCLE	☐ CONS	☐ COMM VEH
NOTAG	SC	FORD	1996	☐ HAZ MAT	☐ MOPED	☐ MTRCYCL	☐ PEDESTRIAN	☐ OTHER

VEHICLE OWNER FIRST NAME: JOHNATHAN | MIDDLE NAME: MARTIA | LAST NAME: DANIELS

OWNER STREET: POST OFFICE BOX 30651 | CITY: COLUMBIA | STATE: SC | ZIP CODE: 29230

INCIDENT NO: (See Below)

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL COURT

TRIAL COURT

NAME OF TRIAL COURT	STREET	CITY	STATE	ZIP CODE
CAYCE MUNICIPAL COURT	# 2 LAVERN JUMPER RD	CAYCE,	SC	29033

DATE OF TRIAL	TIME OF TRIAL
09/07/2021	0830

VIOLATION - COURT APPEARANCE REQUIRED: (YES) NO

VIOLATION

VIOLATION SECTION NO.	VIOLATION - COURT APPEARANCE REQUIRED
56-03-0110 / 2485	VEHICLE LICENSE VIOLATION

DATE OF VIOLATION	TIME OF VIOL.	POST/ACT SPEED	SC POINTS	B.A. LEVEL
07/22/2021	1428			

VIOLATION LOCATION: SC 35 12TH ST EXT @ SAXE GOTHA RD | COUNTY: 32

LAT ° ' " | LONG ° ' " | CITY: CAYCE

AGENCY/TROOP: (See Below)

ARREST OFFICER

NAME AND RANK OF ARRESTING OFFICER	SCCJA OFFICER NUMBER
PSO MERRITT, S	2303-3938

BAIL DEPOSITED	DATE OF ARREST	BOND AMOUNT REQUESTED
	07/22/2021	232.50

DATE BAIL REC'D: | BY:

COURT INFORMATION

CASE BEFORE: MAGISTRATE ☐ MUN. COURT ☒ CIRCUIT COURT ☐ FAMILY COURT ☐ FEDERAL COURT ☐

NAME OF THE TRIAL COURT IF DIFFERENT FROM ABOVE:

TRIAL BY: TRIAL JUDGE ☐ JURY ☐ | DEFENDANT: DID NOT APPEAR ☐ APPEARED ☐

DISPOSITION DATE	DISPOSITION			
09/07/2021	☐ NOLLE PROSSED ☐ FORFEITED BOND	☐ GUILTY ☐ NOT GUILTY	☐ PLED: NOLO CONTENDERE	

CHARGE CONVICTED OF: | SAME AS ORIGINAL ☐ | POINTS: | POST/ACT SP.:

JAIL	SUSPEND	FINE	AMT. COLLECTED	AMT. SUSPENDED	COMMITTED TO:	Vehicle Searched NO
		232.50				

CERTIFIED CORRECT | DATE | Arrest as Result of Collision NO

ENFORCEMENT RECORDS COPY TICKET# **20210370007764**

(CITY) COUNTY OF: CITY OF CAYCE

INCIDENT NO:

AGENCY/TROOP: CAYCE PUBLIC SAFETY

Mun. 0169

Form S-438
Rev. 09/2015

UNIFORM TRAFFIC TICKET

STATE OF SOUTH CAROLINA
VERSUS

CITY/COUNTY OF: (See Below)

VIOLATOR

FIRST NAME	MIDDLE NAME	LAST NAME
JOHNATHAN	MARTIA	DANIELS

STREET: POST OFFICE BOX 30651

CITY: COLUMBIA | STATE: SC | ZIP CODE: 29230

DL STATE	DRIVER'S LICENSE NO.	CLASS	CDL
SC	105349857	I	☐ YES ☒ NO

RACE	SEX	BIRTH DATE	HGT.	WGT.	HAIR	EYES
B	M	05/01/1975	6-0	180	BLK	BRO

VEHICLE

VEH. LIC. NO.	STATE	MAKE OF VEH.	YEAR	HAZ MAT	AUTO	BICYCLE	COMB	COMM VEH
NOTAG	SC	FORD	1996			MTRCYCL	PEDESTRIAN	OTHER

VEHICLE OWNER FIRST NAME: JOHNATHAN MARTIA DANIELS
MIDDLE NAME | LAST NAME

OWNER STREET: POST OFFICE BOX 30651 | CITY: COLUMBIA | STATE: SC | ZIP CODE: 29230

INCIDENT NO: (See Below)

TRIAL COURT

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL COURT

NAME OF TRIAL COURT: CAYCE MUNICIPAL COURT
STREET: # 2 LAVERN JUMPER RD
CITY: CAYCE, SC 29033 | STATE | ZIP CODE

DATE OF TRIAL: 09/07/2021 | TIME OF TRIAL: 0830

VIOLATION - COURT APPEARANCE REQUIRED: (YES) NO

VIOLATION

VIOLATION SECTION NO.: 56-01-0020 / 0701
DRIVER LICENSE VIOLATION

DATE OF VIOLATION	TIME OF VIOL.	POST/ACT SPEED	SC POINTS	B.A. LEVEL
07/22/2021	1428			

VIOLATION LOCATION: SC 35 12TH ST EXT @ SAXE GOTHA RD | COUNTY: 32

LAT ° ' " | LONG ° ' " | CITY: CAYCE

AGENCY/TROOP: (See Below)

ARREST OFFICER

NAME AND RANK OF ARRESTING OFFICER: PSO MERRITT, S
SCCJA OFFICER NUMBER: 2303-3938

BAIL DEPOSITED | DATE OF ARREST: 07/22/2021 | BOND AMOUNT REQUESTED: 232.50

DATE BAIL REC'D | BY

COURT INFORMATION

CASE BEFORE: MAGISTRATE ☐ MUN. COURT ☒ CIRCUIT COURT ☐ FAMILY COURT ☐ FEDERAL COURT ☐

NAME OF THE TRIAL COURT IF DIFFERENT FROM ABOVE:

TRIAL BY: TRIAL JUDGE ☐ JURY ☐ | DEFENDANT: DID NOT APPEAR ☐ APPEARED ☐

DISPOSITION DATE: 09/07/2021 | DISPOSITION: NOLLE PROSSED ☐ FORFEITED BOND ☐ GUILTY ☐ NOT GUILTY ☐ | PLED: NOLO CONTENDERE ☐

CHARGE CONVICTED OF | SAME AS ORIGINAL ☐ | POINTS | POST/ACT SP.

JAIL	SUSPEND	FINE	AMT. COLLECTED	AMT. SUSPENDED	COMMITTED TO:	Vehicle Searched NO
		232.50				

CERTIFIED CORRECT | DATE | Arrest as Result of Collision NO

ENFORCEMENT RECORDS COPY TICKET# **20210370007763**

(CITY)/COUNTY OF: CITY OF CAYCE
INCIDENT NO:
AGENCY/TROOP: CAYCE PUBLIC SAFETY

Mun. 0170

FILED 2023CP3202817
2023 JUL 27 PM 4:18
LISA M. COMER
CLERK OF COURT
LEXINGTON SC

STATE OF SOUTH CAROLINA,	LEXINGTON COUNTY COURT OF COMMON PLEAS
PLAINTIFF,	RE: City Of Cayce Municipal Court
VS	Ticket #'s: 20210370007763 20210370007764
JOHNATHAN DANIELS,	
DEFENDANT,	**NOTICE OF CRIMINAL APPEAL** **NOTICE OF OBJECTIONS**

Pursuant to South Carolina 14-3-330 (1) and (2)(a), and South Carolina Rules Of Criminal Procedure, Johnathan M. Daniels, hereinafter "Appellant", submits this interlocutory appeal from two separate orders made by City Of Cayce Judge Bryan Jeffries on November 7th, 2022, which denied Appellant's S.C. § 1-32 Motion To Dismiss and granted the City Of Cayce Prosecutor's motion to limit evidence. Appellant received verbal notice of both orders on November 7th, 2022. Additionally, Appellant appeals City of Cayce Judge Shannon Bobertz's October 19th, 2021 order denying Appellant's S.C. § 1-32 Motion To Quash, which denied Appellant's request without an allowable basis for doing so. No written orders issued from the municipal court. Appellant also appeals City Of Cayce Municipal Judge Shannon Bobertz's denial of his Motion to Quash on October 19th, 2021.

This appeal is being submitted to this Circuit Court at this time because it was initially filed in the wrong court, and subsequently remitted to the municipal court. As this Court will see explained below, it is for good and justifiable cause that this appeal is being made at this time, rather than sooner. A Notice of Appeal was originally filed in

the South Carolina Supreme Court on November 14th, 2022, filed in the Municipal Court on November 16th, 2022, with service to Respondent on November 14th, 2022.

Due to abandonment of Appellant by his court appointed attorney, Appellant was/is unrepresented in making this appeal, and initially mistakenly appealed to the South Carolina Supreme Court under South Carolina 14-3-330 (1) and (2)(a); the appeal was then transferred to the South Carolina Court Of Appeals (case # 2022-001598) by the Supreme Court Clerk Of Court, and subsequently dismissed and remitted by the South Carolina Court Of Appeals to the municipal court, due to that court's lack of jurisdiction (remitted on March 10th, 2023). The South Carolina Court Of Appeals cited S.C. Code Ann § 18-7-10(2014)... requires submission of the Appeal to the Circuit Court. Once the case was remitted back to the municipal court, Appellant's court appointed attorney continued to refuse to assist Appellant for "political" reasons. Only at present has Appellant realized that this appeal could be re-filed in this Circuit Court, and he has done so promptly and without delay.

Although the most recent orders appealed from were made in November of 2022, due to the extraordinary circumstances of this case, the period for appeal to the Lexington County Circuit Court should be extended to allow appeal at this time. **In good faith, Appellant did file and serve the required Notice Of Appeal to the municipal court and respondent within the 10-day period for doing so, and the authority to extend various time periods for appeal is a recognized power of this Circuit Court under S.C. Code Ann § 18-1-100.** Appellant trusts that this Circuit Court will agree that the below mentioned extraordinary factors justify this appeal being allowed before this Circuit Court at this time.

Detailed Factors Affecting The Timing Of This Appeal

After denying Appellant's Motion To Dismiss on November 7th, 2022, Judge Jeffries appointed an attorney to represent Appellant in this case due to Appellant's indigence. The municipal court's appointed attorney, Harry Hancock, hereinafter "Mr. Hancock", outright refused to assist or advise Appellant in making any appeal challenging the two orders presently challenged and appealed before this Circuit Court.

Despite South Carolina § 1-32 expressly giving Appellant the right to present a claim of undue religious burden as a defense in a "judicial proceeding", Mr. Hancock wrote and stated to Appellant, on multiple occasions, that he would not assist in either (1) the making of an appeal on Appellant's behalf, or (2) the presentation of any defense based on Appellant's right to freedom of religion, at trial. Mr. Hancock stated that Appellant would need to make any appeal to a higher court on his own. (See attached email communications between Mr. Hancock and Appellant). Appellant is not an attorney and subsequently made the mistake of filing the appeal in the wrong court. However, this Circuit Court should agree that Appellant's mistake in filing the appeal to the incorrect court is attributable to the lack of legal counsel and abandonment of Appellant by his court appointed legal counsel.

Further, once the S. C. Court Of Appeals remitted this case back to the municipal court, Mr. Hancock reiterated his refusal to assist in the appeal as long as Appellant was insistent on presenting his South Carolina § 1-32 claim of substantial burden on his free exercise of religion as a defense. It is only through his independent research that Appellant recently discovered that the remitted appeal should be presented to the Circuit Court for intervention and consideration. Appellant has taken steps to do so as promptly

and expeditiously as possible. By law, Appellant possesses an un-waived, Constitutionally protected right to legal counsel, a condition that has not been met to the required legal standard due to Mr. Hancock's appointment and subsequent abandonment of Appellant for "political" reasons.

Appellant has not, and does not intend to waive (1) his right to present his South Carolina § 1-32 defense and state/federal constitutional defenses, (2) his protected right to religious freedom, (3) his protected right to a trial by jury, nor (4) his protected right to counsel. Because the three orders challenged in this appeal act to effectively deny Appellant of substantive and un-waived rights to freedom of religion, trial by jury, and right to present legal a defense (Privileges and Immunities, Equal Protection and Due Process under the 1st, 6th, and 14th Amendments to the U.S. Constitution, and equivalent state laws), Appellant requests that this Circuit Court intervene to (1) insure justice, and (2) insure that state and federal laws are upheld; and to guarantee that Appellant's Constitutionally protected rights not unlawfully denied.

Appellant's Sincere Religious Beliefs And Practices

To avoid confusion of this Circuit Court, a concise summarization of Appellant's religious beliefs and claims of undue substantial burden to religious exercise is described in multiple affidavits and numerous legal memoranda (see Affidavit filed June 2nd, 2023, motion withdrawn after filing, affidavit remains valid; see Motion To Dismiss, filed October 31st, 2022; see Motion To Reconsider, filed Oct. 22nd, 2021; see Motion to Quash and Affidavits, filed Oct. 19th, 2021).

OBJECTIONS AND REASONS FOR APPEAL:

1. **Twice, the State failed to meet its burden of "demonstration", as required under South Carolina § 1-32; twice, the State failed to make any showings of legitimately imposed substantial burden on Appellant's protected rights, as required by the state and federal constitutions. Therefore, Appellant's Motion To Quash and later Motion To Dismiss should have been granted, and the charges dismissed, with prejudice.**

a. Appellant appeals City Of Cayce Municipal Judge Shannon Bobertz's October 19th, 2021 denial of his Motion to Quash.

At the Motion To Quash hearing on October 19th, 2021, which was an official judicial proceeding within South Carolina (see S.C. § 1-32-50), the State utterly and totally failed to demonstrate that application of the burden to Appellant's free religious exercise was (1) in furtherance of a compelling state interest; and (2) the least restrictive means of furthering that compelling state interest (see S.C. § 1-32-40). The State failed to present so much as a shred of argument or scintilla of evidence to meet its burden of "demonstration", as required by South Carolina § 1-32 (which was one of the bases of Appellant's argument for his Motion to Quash, the other bases being state and federal constitutional challenges).

Despite being asked by Appellant to read the motion before deciding, both the Prosecutor and the judge failed to adequately read or review Appellant's motion before making a ruling. After her decision to NOT read Appellant's motion, all it took for Judge Bobertz to deny Appellant's motion was for her to ask the prosecutor (who

himself had not read the motion) for his position on the motion, followed by the city prosecutor, Ernie Peagler, thumbing through a 30 plus-page written Motion To Quash in less than a minute, closing with him telling the judge, "Well, your Honor, these are just cut and paste sovereign citizen arguments downloaded from online." Mr. Peagler then declared that, "the State opposes the granting of the motion." Judge Bobertz next ignored Appellant's strident rebuttal, which stated that he was NOT a sovereign citizen and that his motion was self-authored, NOT "cut and paste from online", and that the motions arguments were not political, but religiously based. Judge Bobertz then denied Appellant's motion.

After Judge Bobertz denied Appellant's motion, Appellant objected on the record at that hearing because (1) the prosecution failed to meet its burden, (2) the charges were prohibited on state and federal constitutional grounds, and (3) due to overt prejudice, because the prosecutor and judge referred to and treated Appellant as a "sovereign citizen", which denied him equal access to the court and consequently denied him due process. (See Appellant's October 22nd, 2021 Motion To Reconsider). Three days later, on October 21st, 2021, Appellant filed a written Motion To Reconsider, and Judge Bobertz denied that motion as well.

This Circuit Court's review of the record, in particular Appellant's written Motion To Quash, will show that (1) Appellant made a valid claim of prohibited substantial religious burden under S.C. § 1-32, (2) that the prosecution should have been required to carry its burden of "demonstration", (3) the state failed to meet its burden of "demonstration", and (4) the charges should have been quashed for failure to state a crime or punishable offense, which deprived the municipal court of jurisdiction. Once

the State failed to "demonstrate," as required by S.C. § 1-32 and the state and federal constitutions, Judge Bobertz lacked jurisdiction to allow further prosecution of Appellant, as there is no discretion to ignore a lack of jurisdiction. The subject matter jurisdiction of a court is fundamental. "Lack of subject matter jurisdiction may not be waived, even by consent of the parties, and should be taken notice of by this Court. It is well-settled that issues related to subject matter jurisdiction may be raised at any time, including for the first time on appeal in this Court." Brown v. State, 343 S.C. 342, 346, 540 S.E.2d 846, 848-49 (2001) (citation omitted). The action of a court, regarding a matter as to which it has no jurisdiction, is void. State v. Funderburk, 259 S.C. 256, 261, 191 S.E.2d 520, 522 (1972).

Further, the City Of Cayce's judge's and prosecutor's choices to not attentively read Appellant's written Motion To Quash before proceeding is binding, and one for which the State must bear the burden and accept their failure. Due process, equal protection, and fairness require that such a position be taken in the interest of justice. Appellant would not be forgiven and allowed another chance had he made negligent choices, resulting in similar errors.

Importantly, even outside of S.C. § 1-32's requirements, the state failed to overcome state and federal constitutional requirements and safeguards, or to otherwise justify its imposition of substantial burden to Appellant's religious practices and denial of Appellant's other protected rights. Accordingly, on constitutional grounds, the challenged charges should have been quashed for failing to state a crime or punishable offense.

b. Appellant appeals City Of Cayce Municipal Judge Byran Jeffries' November 7th, 2022 denial of his Motion to Dismiss. This was a second such error made by the municipal court, as the court denied Appellant's earlier Motion To Quash.

Appellant's written Motion to Dismiss was filed on October 31st, 2022. The basis for the motion was that South Carolina § 1-32, and the state and federal constitutions, prohibited the State's action to prosecute Appellant under the circumstances. At the November 7th, 2022 motion hearing, which was an official "judicial proceeding" within South Carolina (see S.C. § 1-32-50), despite Appellant's meritorious arguments and requests made via the written motion, the State's prosecutor, failed to present ANY argument or evidence demonstrating that the State's application of the burden to Appellant's free religious exercise was (1) in furtherance of a compelling state interest; and (2) the least restrictive means of furthering that compelling state interest. Here again, there was no discussion as to the prosecution "demonstrating" at a later date, or the prosecution being granted any extension of time to "demonstrate." The judge and the city's prosecutor simply and blatantly ignored the law. The State chose not to "demonstrate" as required, and Judge Jeffries did not require the State to "demonstrate". Once the State failed to "demonstrate" as required by S.C. § 1-32 and the state and federal constitutions, Judge Jeffries lacked jurisdiction to allow further prosecution of Appellant, and he had no discretion to ignore the lack of jurisdiction. The judge erred in not granting Appellant's Motion To Dismiss.

c. Given the State's failure to adequately answer Appellant's Motion To Quash and Motion To Dismiss in prior hearings, as described above, the municipal court's repeated denials of Appellant's meritorious motions were/are prejudicial and partial to the State.

Appellant made his motions as an unrepresented neophyte to criminal law. A trained and experienced City Of Cayce prosecutor appeared at each hearing on behalf of the State, with his purpose being to oppose Appellant's written motions. Each written document clearly stated the reasons and the law that Appellant believed justified an order to quash or dismiss. Given such written notices, the prosecutor knew, or should have known, that he was required to meet the "demonstration" requirement of S.C. § 1-32, as well as to rebut Appellant's state and federal constitutional challenges to the charges. As the State's representative, the City Of Cayce prosecutor's failure to "demonstrate" and rebut was due to (1) an inability by the State to find a lawful basis to support continued prosecution of Appellant under the circumstances, and (2) a knowing and purposeful intent by the State to disregard the law in order to prosecute Appellant for his religious beliefs and practices.

Regardless of the State's reasoning for presenting insufficient challenges in answer to Appellant's motions, the State has already responded, twice. Therefore, Appellant objects to any further attempt by the prosecution in this case to turn back the hands of time to attempt, for a third time, to "demonstrate" and rebut the grounds for Appellant's Motion To Quash and/or Motion To Dismiss. If Appellant were to have failed similarly, under similar conditions, he would not be granted leniency by a State court to re-argue and present evidence or information that he could have presented at the

time of a previous hearing, therefore any court's granting of such a third opportunity to the State is objected to as partial and prejudicial.

As this Circuit court can see from the record of this case, Appellant has repeatedly explained his religious beliefs, and explained how the state is substantially burdening his right to free religious exercise by requiring that he be prohibited from any use of public roads within the state unless he goes against his religious conscious and obtains a state driver's license and vehicle registration. These explanations have been made in detail via in court testimony, multiple affidavits, and numerous legal memoranda (see Motion to Quash and Affidavits, filed Oct. 19th, 2021; see Motion To Reconsider, filed Oct. 22nd, 2021; see Motion To Dismiss filed October 31st, 2022, and Motion To Dismiss and Affidavit filed June 2nd, 2023).

Twice already, the State did not meet its burden of "demonstration" and the municipal court overlooked that fact to allow further prosecution of Appellant. **Appellant argues that once the State failed to meet its burden of "demonstration" in response to Appellant's S.C. § 1-32 and constitutional motions, the municipal court had no jurisdiction to allow continued prosecution, or trial of Appellant.**

Following the denial of Appellant's Motion To Dismiss, additional filings were made (later withdrawn) which further demonstrate the utter futility of Appellant having to address and re-address the municipal court and prosecutor regarding his protected rights, equal access to the courts, and a right to a fair and impartial hearing.

2. **Judge Jeffries' November 7th, 2022 granting of the prosecution's motion to limit Appellant's presentation of any evidence pertaining to Appellant's religious beliefs deprives Appellant of his right to a trial by jury, his right to present evidence for his defense, and his right to present his South Carolina § 1-32 and constitutional claims of undue substantial religious burden defense to the jury.**

In granting the State's motion to limit Appellant's presentation of any evidence linked to his religion, Judge Jeffries said that he, alone, would hear evidence of Appellant's religious claims and make a ruling. However, his refusal to let the jurors hear the factual basis for Appellant's South Carolina § 1-32 and constitutional defenses and have the jury decide Appellant's guilt or innocence, effectively denies Appellant the right to a trial by jury. Instead, the judge's order act to convert Appellant's demand for a trial by jury into request for a summary judgment before a judge who has demonstrated hostility towards Appellant's religious beliefs.

Further, the ruling prejudices Appellant to an extreme degree, as no jury could reasonably find Appellant "not guilty" under his South Carolina § 1-32 and constitutional defenses if that jury is denied hearing facts related to Appellant's religious beliefs, practices, and claims of undue substantial religious burden. Such a circumstance would allow hostility towards Appellant's religious beliefs and practices by State judicial officers to go undetected, and is tantamount to throwing stones and hiding one's hands. In explanation, without knowledge of the facts surrounding Appellant's religious burden claims under S.C. § 1-32 and the state and federal constitutions, the jury would undoubtedly return a verdict of guilt, and it is to the jury that the error of convicting Appellant despite his valid claim of undue substantial religious burden would be

attributed. Further, Appellant has absolutely no doubt that any directed verdict motion he would make would be not read and subsequently denied. Appellant has recently fallen victim to similar conduct by the same city prosecutor and court officers in the past, and such a sequence is not far fetched. (See S.C. Court Of Appeals, case # 2022-001437).

3. Judge Jeffries' rulings allow unjust continuation of retaliatory prosecution of Appellant for his lawful exercise of protected rights, and deny Appellant protected substantive rights.

Judge Jeffries' denial of Appellant's Motion To Dismiss allows retaliatory criminal prosecution of Appellant for Appellant's exercise of constitutionally protected substantial rights, including Appellant's right to a trial by jury, right to present a defense, right to equal protection of the laws, right to freedom of religion, right to free speech, right to own property, and right to liberty.

Viewed in totality of the circumstances, the orders challenged in this appeal facilitate the State's punishment of Appellant for his religious beliefs and practices, while simultaneously stripping away any meaningful access to the laws that Appellant sought to employ for his defense and the protection of his rights.

Throughout the various stages of this case, and in other cases, the City Of Cayce has repeatedly labeled Appellant a "sovereign citizen" and sought to punish him for his religious beliefs, while concurrently denying him privileges, immunities, equal protection, and due process guaranteed to state and United States Citizens. The prosecutor's making of the request to prohibit Appellant's access to the protections of South Carolina's § 1-32 and other constitutional defenses begs deduction and

realization of City Of Cayce's true intent, which is to enforce an unlawful blanket policy of offering "no quarter" to "sovereign citizens." The problem here is that Appellant is not a "sovereign citizen," but has only been misidentified as one by city officials, due to his religious beliefs and practices. City Of Cayce's error in this is willful, deliberate, intentional, and reckless.

Further evidencing the City Of Cayce's determination to convict Appellant through its "sovereign citizen" witch hunt, the Motion To Dismiss hearing transcript will show that City of Cayce prosecutor Ernie Peagler openly appealed to Judge Jeffries, insisting that the judge not enforce the Constitution and ignore his Rule 502.1 Oath to "defend the Constitution of this State and of the United States" and "seek justice alone." The transcript and face of the record will show that the judge acquiesced to this request by the prosecutor. A certified transcript of the November 7th, 2022 Motion to Dismiss hearing is being made and will be filed with the Circuit Court Clerk Of Court shortly, following the filing of this notice to the Circuit Court.

Wherefore, on the grounds and objections presented above, Appellant respectfully requests that this Circuit Court issue an order dismissing the charges against Appellant, with prejudice.

Respectfully Submitted

Johnathan Daniels, Pro Per
P.O. Box 30651
Columbia, South Carolina 29230
Email: chesssetbyj@yahoo.com

STATE OF SOUTH CAROLINA)
COUNTY OF Lexington) IN THE COURT OF COMMON PLEAS
FILED
* Johnathan Daniels)
2023 JUL 27 PM 4:18) CIVIL ACTION COVERSHEET
Plaintiff(s))
vs. LISA M. COMER) -CP- - -
CLERK OF COURT
LEXINGTON, SC
* City of Cayce)
Defendant(s)

*Submitted By: Johnathan Daniels
*Address: PO Box 30651
Columbia, SC 29230

2023CP3202817
SC Bar #:
*Telephone #: 843-239-4361
Fax #:
Other:
E-mail:

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (*Check all that apply*)

**If Action is Judgment/Settlement do not complete*

☐ **JURY TRIAL** demanded in complaint. ☒ **NON-JURY TRIAL** demanded in complaint.
☐ This case is subject to **ARBITRATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to **MEDIATION** pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (*Check One Box Below*)

Contracts
- ☐ Constructions (100)
- ☐ Debt Collection (110)
- ☐ General (130)
- ☐ Breach of Contract (140)
- ☐ Fraud/Bad Faith (150)
- ☐ Failure to Deliver/ Warranty (160)
- ☐ Employment Discrim (170)
- ☐ Employment (180)
- ☐ Other (199)_____

Torts - Professional Malpractice
- ☐ Dental Malpractice (200)
- ☐ Legal Malpractice (210)
- ☐ Medical Malpractice (220)

Previous Notice of Intent Case # 20____-NI-____-_____
- ☐ Notice/ File Med Mal (230)
- ☐ Other (299) _____

Torts – Personal Injury
- ☐ Conversion (310)
- ☐ Motor Vehicle Accident (320)
- ☐ Premises Liability (330)
- ☐ Products Liability (340)
- ☐ Personal Injury (350)
- ☐ Wrongful Death (360)
- ☐ Assault/Battery (370)
- ☐ Slander/Libel (380)
- ☐ Other (399)_____

Real Property
- ☐ Claim & Delivery (400)
- ☐ Condemnation (410)
- ☐ Foreclosure (420)
- ☐ Mechanic's Lien (430)
- ☐ Partition (440)
- ☐ Possession (450)
- ☐ Building Code Violation (460)
- ☐ Other (499)_____

Inmate Petitions
- ☐ PCR (500)
- ☐ Mandamus (520)
- ☐ Habeas Corpus (530)
- ☐ Other (599)

_____

Administrative Law/Relief
- ☐ Reinstate Drv. License (800)
- ☐ Judicial Review (810)
- ☐ Relief (820)
- ☐ Permanent Injunction (830)
- ☐ Forfeiture-Petition (840)
- ☐ Forfeiture—Consent Order (850)
- ☐ Other (899)

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Judgments/Settlements
- ☐ Death Settlement (700)
- ☐ Foreign Judgment (710)
- ☐ Magistrate's Judgment (720)
- ☐ Minor Settlement (730)
- ☐ Transcript Judgment (740)
- ☐ Lis Pendens (750)
- ☐ Transfer of Structured Settlement Payment Rights Application (760)
- ☐ Confession of Judgment (770)
- ☐ Petition for Workers Compensation Settlement Approval (780)
- ☐ Other (799)

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***Appeals**
- ☐ Arbitration (900)
- ☐ Magistrate-Civil (910)
- ☒ Magistrate-Criminal (920)
- ☐ Municipal (930)
- ☐ Probate Court (940)
- ☐ SCDOT (950)
- ☐ Worker's Comp (960)
- ☐ Zoning Board (970)
- ☐ Public Service Comm. (990)
- ☐ Employment Security Comm (991)
- ☐ Other (999)

_____

Special/Complex /Other
- ☐ Environmental (600)
- ☐ Automobile Arb. (610)
- ☐ Medical (620)
- ☐ Other (699) _____
- ☐ Sexual Predator (510)
- ☐ Permanent Restraining Order (680)
- ☐ Pharmaceuticals (630)
- ☐ Unfair Trade Practices (640)
- ☐ Out-of State Depositions (650)
- ☐ Motion to Quash Subpoena in an Out-of-County Action (660)
- ☐ Pre-Suit Discovery (670)

*Submitting Party Signature: _____ *Date: July 27th, 2023

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FILED
2024 JAN -5 PM 3:12
LISA M. COMER
CLERK OF COURT
LEXINGTON SC

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM LEXINGTON COUNTY CIRCUIT COURT

Debra R. McCaslin, Circuit Court Judge

Case No. 2023-CP-32-02817

The State (City Of Cayce), Respondent,

v.

Johnathan M. Daniels, Appellant.

NOTICE OF APPEAL

Now comes Appellant **PRO SE**, Johnathan Daniels, giving notice of appeal and notice of the below listed objections to the order and decision of the circuit court. Appellant preserves for appeal, the circuit court's findings, making the following objections:

1. Violation of Appellant's un-waived, Constitutionally protected rights is the issue here, and other factors cannot be determinant of a state court's obligation to correct Constitutional violations that have occurred or which it can prevent. In this case, Appellant appeals the orders of the municipal court. Those orders allow retaliatory prosecution of Appellant by City Of Cayce, hereinafter "the City", in retaliation for Appellant's protected exercise of religion; this despite the City, twice, failing to "demonstrate" as required by South Carolina § 1-32 and the state and federal constitutions under the federal strict scrutiny standard (although it is a

state statute, South Carolina § 1-32 invokes the compelling interest test, under the same federal strict scrutiny standard). Further, the orders of the municipal court deprive Appellant of his right to a jury trial, despite his demand for one, by denying Appellant the right to present his sole and only defense to the jury at trial (Appellant has preliminarily offered a religious exercise defense as his sole and only defense). The municipal court has ordered that, at trial, Appellant cannot bring up the subjects of his religion, exemptions to application of the laws, or religious accommodations in any way. Over Appellant's objections, these unconstitutional orders have effectively decided the case to Appellant's detriment and deprived him of substantial constitutionally protected rights. South Carolina § 14-3-330 (2)(a) pertains to appeals from, "An order affecting a substantial right made in an action when such order (a) in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action..."

2. The circuit court's finding that the circuit court has no jurisdiction to hear this appeal, although the appeal was originally made to the South Carolina Supreme Court, and referred to the South Carolina Court Of Appeals, which ordered and directed that this appeal must be made to the circuit court. If the circuit court also has no jurisdiction, then it would seem that no state court has jurisdiction to ensure Appellant's constitutionally protected rights are upheld. This constitutes a circular due process violation that sends Appellant from court to court, in an endless loop. The City and the municipal court have violated Appellant's constitutionally protected rights, and the judiciary of the state offered no recourse; that is unconstitutional.

3. The circuit court's insistence that this appeal was made under S.C. Code § 14-25-95, and that Appellant did not comply with that statutes requirements for appeal are erroneous. Contrarily, Appellant did give the notices required by S.C. Code § 14-25-95 to the municipal court within the 10 day period allowed for giving notice of intent to appeal after the orders of the municipal court. South Carolina Code § 14-25-95 does not address any other time requirement outside of the time allowed for giving notice of intent to appeal, and pertains only to appeals from a municipal court to a court of common pleas (i.e circuit court). This makes Appellant's compliance with S.C. Code § 14-25-95 non-determinant in disallowing his appeal for a lack of timeliness.

4. Judge McCaslin ignored the fact that Appellant's appeal was made pursuant to South Carolina §§ 14-3-330 (1) and/or (2)(a) and was only brought to the circuit court because the South Carolina Court of Appeals required it to be submitted to the circuit court (Appellant is Pro Se, and does not claim to understand why that decision was made by the South Carolina Court Of Appeals). South Carolina § 14-3-330 (1) pertains to appeals from circuit court cases "brought there by original process or removed" to the circuit court, while South Carolina § 14-3-330 (2)(a) pertains to appeals from, "An order affecting a substantial right made in an action when such order (a) in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action..." South Carolina § 14-3-330 (2)(a) does NOT state that an appeal made under that section MUST be brought before the circuit court before the South Carolina

Supreme Court has jurisdiction to hear the appeal challenging unconstitutional orders.

5. The only timeliness issue addressed by the circuit court, outside of S.C. Code § 14-25-95, is the period of time that passed between the remittance of the case from the South Carolina Court Of Appeals back to the municipal court. Appellant clearly established before the circuit court that his court appointed attorney provided ineffective assistance of counsel regarding the appeal, which was the sole cause of the delay in filing the appeal at the circuit court. At the circuit court hearing, it was explained to Judge McCaslin that Appellant's attorney, appointed by the municipal court, was ineffective as follows: **(A).** He refused to assist Appellant in making any religion-based appeal or presenting any such argument at trial. Appellant provided E-mails to the circuit court, which showed that his attorney incorrectly reasoned that no free exercise violation occurred because the statutes under which Appellant was charged were both neutral and generally applicable. Apart from his attorney being incorrect regarding general applicability of the laws, this reasoning was proper under *Employment Div., Dept. of Human Resources of Ore. v. Smith*, 494 U. S. 872, but it is a totally incorrect reasoning given South Carolina § 1-32. The compelling interest test imposed by South Carolina § 1-32 bypasses *Smith*'s neutrality and general applicability barriers to strict scrutiny, and the statute says so in the plain reading of its text. **(B).** Appellant's court appointed attorney refused to assist Appellant because he failed to recognize that under a compelling interest test and strict scrutiny, determination of a compelling interest cannot be done at a general or high level.

Instead, strict scrutiny requires that courts determine if the state has a compelling interest to deny an exemption to each particular religious claimant, individually and personally. In a strict scrutiny analysis, government cannot merely claim a compelling interest at a high level of generality, because the "compelling interest test under the First Amendment demands a more precise analysis." See Gonzales v. O Centro Espírita Beneficente União do Vegetal, 546 U. S. 418, 430–432 (2006) (discussing the compelling interest test applied in Sherbert and Wisconsin v. Yoder, 406 U. S. 205 (1972)); see *Fulton v. City Of Philadelphia*, 593 U.S. at 14 (2021). Rather than rely on "broadly formulated interests," courts must "scrutinize[] the asserted harm of granting specific exemptions to particular religious claimants." O Centro, 546 U. S., at 431. The question, then, is not whether the City has a compelling interest in enforcing these laws generally, but whether it has such an interest in denying an exemption to Appellant, individually. Appellant had explained to the municipal court, the City prosecutor, and his attorney, via multiple motions, affidavits, and statements that Appellant is very competent to drive, having previously been licensed for more than 25 years and having had only one driving accident during that time. Appellant is not frequently ticketed for moving violations, and does not use drugs or drink alcohol. Once properly narrowed, the City's asserted interests are insufficient to satisfy a compelling interest under strict scrutiny. Appellant's attorney, for political reasons, unreasonably refused to assist Appellant despite these facts. **(C.)** Appellant's court appointed attorney refused to assist Appellant because he intentionally misinterpreted the case law underlying South Carolina § 1-32's

compelling interest test, Wisconsin v. Yoder, 406 U.S. 205 (1972), and Sherbert v. Verner, 374 U.S. 398 (1963). His explanation of the implications of *Wisconsin v. Yoder: 406 U.S. 205* (1972) was completely incorrect. His first position was that *Yoder* was a driver's license case that was decided in favor of the state's right to require licensing. When Appellant informed him that it was a First Amendment religious exercise case, his attorney responded that despite his earlier inaccuracy, the case was decided in favor of the state's right to compel licensing or performance under the circumstances. This was also incorrect. In *Yoder*, the U.S. Supreme Court ruled 7-0 that the state of Wisconsin violated the First Amendment to the Constitution, and had no right to compel performance or punish noncompliance with its law. In deciding to abandon Appellant, Appellant's attorney denied this fact. **(D).** Appellant's court appointed attorney refused to assist Appellant because he refused to take notice that the frequency with which the City or the state actually grants the exemptions in question is irrelevant. As the Supreme Court stated in *Fulton v. City Of Philadelphia*, 593 U.S. (2021), quoting *Smith*, 494 U. S., at 884, "The creation of a formal mechanism for granting exceptions renders a policy not generally applicable, regardless whether any exceptions have been given, because it "invite[s]" the government to decide which reasons for not complying with the policy are worthy of solicitude."

6. *The circuit court's finding that this appeal is untimely.* Any untimeliness, between the remittance of the case from the South Carolina Court Of Appeals and Appellant's filing of the appeal to the circuit court, is a direct result of Appellant being abandoned by his court appointed attorney, who provided ineffective and

sub-standard assistance to Appellant. Further Appellant has never knowingly or intentionally waived his rights to religious freedom, right to counsel, and trial by jury. Since South Carolina § 14-3-330 (1) and (2)(a) allow intermediate appeals for the enforcement of Appellant's substantial Constitutionally protected rights, timeliness must give way to getting things right, otherwise Constitutional violations of substantial protected rights will continue to occur. In this case, the City is putting Appellant on trial for his constitutionally protected religious practice. Concurrent with the City's unlawful burdening of Appellant's free exercise of religion, the City has repeatedly failed to "demonstrate" as required by South Carolina Section 1-32, despite Appellant's multiple proper demands that the City do so. The City's prosecution of Appellant, and its refusal to allow Appellant lawful accommodation is a further unlawful substantial burden on Appellant's protected right of religious freedom. In this case, where Appellant has not waived his rights and the damage from the municipal court's ruling to Appellant's rights has already occurred, or is reasonably foreseeable and preventable/correctable, courts within this state must be able to review the record and ensure Appellant suffers no further Constitutional harm. All levels of this state's judiciary, from its municipal court to its highest court, so far, have failed to force the City to comply with the law.

7. The circuit court did not acknowledge that Appellant's Pro Se appeal, is an appeal from an" intermediate" or "interlocutory" order, such as the orders made by the municipal court in this case, and that such an appeal is properly addressed by South Carolina § 14-3-330 (1) and (2)(a). The circuit court's decision hinging on

whether the untrained, Pro Se Appellant misnamed an intermediate order an interlocutory one should not disallow his appeal. The circuit court should decide if the orders complained of can be appealed under South Carolina § 14-3-330 (1) and (2)(a) and hear the appeal. If the circuit court cannot hear the appeal under South Carolina § 14-3-330 (1) and (2)(a) that is understandable, as long as Appellant's appeal to the South Carolina Supreme Court is decided on the merits of the appeal. Additionally, the order of the municipal court, which disallows Appellant's religion based defense, may be appealed under South Carolina § 14-3-330 (2)(c) which pertains to an order that "strikes out an answer or any part thereof..."

8. Regarding timeliness, the circuit court's refusal to utilize it's authority under S.C. Code Ann. § 18-1-100 is stunning, and will allow gross injustice and violations of the state and federal Constitutions. The result is that Appellant is being put on trial while: (1) his religious exercise is unlawfully burdened by the City, and (2) he is deprived of the right to a jury trial, because he cannot present his sole and only legal defense to the jury at the municipal trial. Since preventing unconstitutional/retaliatory prosecution and unlawful denial of Appellant's right to a meaningful trial by jury is a sworn duty of the state's courts, justice requires that the circuit court hear and decide this appeal at this time. Why should the City be allowed to: (1) prosecute Appellant for his protected religious practice, (2) then, twice, fail to "demonstrate" as required by South Carolina Section 1-32, then (3) order that Appellant cannot present his sole and only defense to the jury (effectively denying Appellant's right to present a defense and his demand for jury

trial), and (4) then subject Appellant to an unwanted summary trial in a biased forum.

9. The circuit court's finding that Appellant must continue to endure blatant and unlawful denials of due process and the resulting damages is shocking. The denials and deprivations have already been brought to the attention of every level of this state's judiciary. This is to say that, the judiciary of South Carolina, with full knowledge that: (1) a deprivation of Appellant's protected rights has been carried out by a municipality of this state, (2) that the deprivation has been ratified and ordered to be allowed by the municipal judge, and (3) suffered by Appellant on multiple occasions, will not act to protect Appellant until he has been further deprived and sentenced to jail. Appellant has already suffered deprivations of his rights to religious freedom, liberty and property, and the circuit court's refusal to act will allow him to be deprived of his right to trial by jury as well. What is the point of South Carolina 14-3-330 (1) and (2)(a), if the appeal will be ignored and the unconstitutional conduct allowed to proceed until after final judgment?

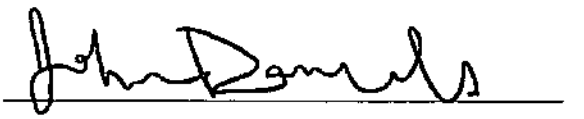
10. The circuit court erred in not deciding the appeal on the merits. In any case, there must be at least one court in this state with jurisdiction to decide the case. This appeal has now been presented to every level of court in this state, and every court has refused to decide the appeal on the merits. Such round and round, circular denial of due process is unconstitutional.

The Cayce Municipal Court and City Of Cayce have engaged in depriving Appellant of his Constitutionally protected rights through retaliatory prosecution and denial of due process. The South Carolina Supreme Court has previously refused to decide this matter, having referred

the case to the South Carolina Court Of Appeals. The South Carolina Court Of Appeals refused to decide the case on the merits, requiring that the case go through the circuit court. Now, the circuit court too claims a lack of jurisdiction. Every level of the South Carolina judiciary has, so far, failed to protect Appellant's rights of religious freedom and right to a trial by jury. This is circular denial of due process, and is unconstitutional.

Finally and specifically, regarding Appellant's arguments made in this appeal, which the circuit court has refused to address on the merits, **Appellant maintains each and every objection to the actions and orders of the municipal court as described in the NOTICE OF CRIMINAL APPEAL / NOTICE OF OBJECTIONS filed with the circuit court on July 27th, 2023**. Appellant objects and maintains all of the abovementioned for review and appeal to the South Carolina Supreme Court or South Carolina Court Of Appeals.

Respectfully Submitted



Johnathan Daniels

Appellant, **PRO SE**

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January 3rd, 2024

FILED
2023 NOV 27 PM 2:40
LISA M. COMER
CLERK OF COURT
LEXINGTON SC

JOHNATHAN DANIELS, APPELLANT, VS CITY OF CAYCE, RESPONDENT,	IN THE COURT OF COMMON PLEAS ELEVENTH JUDICIAL CIRCUIT C/A Number: 2023-CP-32-02817 **MUNICIPAL COURT TRANSCRIPT** **NOVEMBER 7th, 2022**

Clerk,

This filing is being made to correct an error in the court's records. The scanned copy of this document, which was previously filed on October 30th, 2023, is missing pages 6-9. Please file this Municipal Court Transcript in the file for the above case. This filing includes: (1) this cover page, (2) a 15-page municipal transcript with transcriber's certification, and (3) a certificate of service to Respondent.

Respectfully Submitted

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In CITY OF CAYCE MUNICIPAL COURT

State of South Carolina vs Johnathan Daniels

Hearing Date: November 7th, 2022

C/A Numbers: 20210370007763 & 20210370007764

Heard in Cayce, Lexington County, South Carolina

Judge: Honorable Bryan Jeffries

Clerk Of Court: Rachel Stuckey

Prosecutor: Daniel Ernest Peagler

Defendant: Johnathan Martia Daniels, Pro Se

Transcript Prepared By Alice Falaiye, Independent Transcriptionist,
Completed On October 12th, 2023

INDEX

I. OPEN PROCEEDINGS SOURCE - FILE 1 of 1: JDANIELS 11072022*

II. TRANSCRIBER'S CERTIFICATION

* Clerk of Court for City of Cayce Municipal Court provided the audio file of the entirety of the municipal court record for this hearing.

I. OPEN PROCEEDINGS

BAILIFF: All rise, the Honorable Judge Jeffries now presiding.

JUDGE: Thank you. Please be seated.

CLERK: Your Honor, we're here on page one, number one and two of the docket, it's a jury trial for 2021070007763 and 7764 -- No CDL and No Vehicle Tag. Johnathan Martia Daniels is the Defendant. The City is represented by Mr. Ernie Peagler. The issuing officer is Corporal Kathleen Merritt, who is present as well. The Honorable Judge Jeffries is presiding.

JUDGE: Thank you very much. Good afternoon everybody. We'll get started here. First, I'm going to see if there are any pretrial matters that need to be disposed of. [Pause] First of all, Mr. Daniels, you're charged with no drivers license, first offense and -- driving without a license.

DEFENDANT: Did you say ---

JUDGE: Driving a vehicle unregistered is the other offense. Those are respectively section -- South Carolina Code of Law Section 56-1-20 and 56-3-110. [Pause] Each carries a fine -- [Pause] -- of not more than 100 dollars. That's before fees and assessments -- and not more than 30 days.

CLERK: With assessments, Your Honor, that's gonna be 232 dollars and 50 cents.

JUDGE: Two thirty-two fifty as to each -- and zero to 30 days as to each. Uh -- Because you're here without counsel, I always like to make sure you're aware of the potential penalty, understanding that you are -- as you sit, innocent until proven guilty. Is it still your intention to go forward with the jury trial?

DEFENDANT: Your Honor, actually I -- I submitted paperwork. Maybe I can talk about [Inaudible] ---

JUDGE: Well, first answer my question. You still want a jury trial?

DEFENDANT: Yes, Your Honor.

JUDGE: Okay. Second, I have -- I'm in possession of your motion to dismiss -- which is denied. So, we are gonna go forward this morning. Any other motions will need to be made after the state's ---

PROSECUTOR: I would like to ---

JUDGE: --- Case in chief.

PROSECUTOR: I would ---

JUDGE: --- And I'll hear a motion from Mr. Peagler.

PROSECUTOR: Your Honor, uhm, there have been several motions submitted by the Defendant about matters of law, particularly, religious accommodations or exemptions for the application of the law. We want to make sure that is not an argument that's presented to the jury or facts along those lines, because that is a matter of law, not a matter of fact. Uhm -- the evidence and testimony and arguments today should be confined to the events of the traffic stop and the facts that are the basis for the actual charges levied. We just don't want the jury to be confused on a matter that they have no role in determining because they are the finder of fact not the finder of the law. That's my first motion. My second motion, Your Honor --

DEFENDANT: I object to that, Your Honor, just so ---

JUDGE: So, I understand the motion -- your motion is to suppress any testimony with regards to specifically what?

PROSECUTOR: Testimony or arguments confined to the -- uh -- like the gravamen of the motion that he submitted to you. In that -- the jury doesn't have a right to hear about matters that they cannot rule on. He has asked if -- I want to prevent -- Because we've had several motions, I don't want him to be able to argue or

present any evidence, or -- or anything that would have to do with a religious exemption to the laws -- when -- to be honest, uh, Your Honor, I -- I don't even think that a municipal judge, unless there is precedent that applies to a particular fact pattern -- I don't even think a circuit court or a municipal judge can make a ruling on a constitutional issue, whether state or federal, unless there is a case that is precedence on those similar fact patterns.

DEFENDANT: Well, Your Honor ---

JUDGE: I will hear from ---

DEFENDANT: --- I object.

JUDGE: --- you Mr. Daniels. I need you to stand up when you speak.

DEFENDANT: Okay. That's fine. [Pause] Alright -- so regarding his -- motion to suppress, or whatever he's calling it, uh, South Carolina Section 1-32 -- uh -- allows for a defense -- Uhm, Well, first off, it restores a compelling interest test in all laws in South Carolina. That's every law -- and this is a law. So, it holds equal weight with the -- with the laws that I'm charged under, uh -- and it provides a claim or defense to persons whose exercise of religion is sub -- is substantially burdened by the state. Now, if I'm not allowed to present my defense -- because I'm claiming that I'm religiously burdened by the state here. If I'm not allowed to -- to present my evidence and make my defense then -- then this wouldn't be law.

JUDGE: Alright, so let me address that for you Mr. Dan ---

DEFENDANT: And also, if I could ---

JUDGE: No, Sir. Let me address that for you. So, you are allowed to make any defense related to law, to the court, after the city has presented its case in chief. So, the jury that sat in here will make determinations as to facts, and then I will

provide them the law, and they will then apply that law to the facts, but any questions of the law would be made -- any argument would be made to me -- and that would be a -- what we call the directed verdict -- uh -- process in the trial. So once the city has presented its case in chief -- they presented any and all witnesses any and all evidence -- you have an opportunity at that point to move for what's called a directed verdict -- and that's a legal argument. The jury doesn't hear it. It's just you, me, and Mr. Peagler determining what the law is with regards to what you're charged with and this process. So, I'm going to grant the motion to suppress any testimony with regards to your defense being that the city or the state or the law does not have jurisdiction over you. Uhm, [Pause] but certainly, you can make that argument -- and I expect you to make that argument at the directed verdict.

DEFENDANT: Okay. Your Honor, I also wanted to speak on your denying the motion to dismiss. Uh -- as I mentioned that -- and I want to be certain because some things have not been read in the past. Have you read this motion?

JUDGE: *I have.*

DEFENDANT: Okay. Now -- South Carolina section 14-3-330 allows that when a substantive right, such as the right of religious freedom, the right to liberty -- uh, just one second ---

JUDGE: I -- I understand the argument ---

DEFENDANT: Okay. I just want it stated on the record, Your Honor ---

JUDGE: --- and I don't find that you had any substantial right denied or any liberty denied ---

DEFENDANT: --- I just want to---

JUDGE: --- by me denying that motion.

DEFENDANT: Okay, I understand that you've denied it, Your Honor. Uh ---

JUDGE: And -- therefore you're not entitled to an interlocutory appeal. As you are aware -- you have a right to appeal -- uh -- you can appeal an acquittal or a conviction of this, uh, should it go to a jury and a final adjudication be made in this court. As you are aware, you can then appeal to the Circuit Court and beyond. That is your right.

DEFENDANT: Right.

JUDGE: But, you're not right -- You don't have the right to stop this process through an interlocutory appeal today in order to assert rights that you'll have an opportunity to do at a later date. You would be able to make that same (argument) ---

DEFENDANT: After conviction? After the trial?

JUDGE: Assuming there's a conviction ---

DEFENDANT: Okay, I understand.

JUDGE: --- In the same way you've done before. Yes, Sir.

DEFENDANT: Alright. Well, the thing is -- alright. So, a substantial right -- I say your Honor -- my right to religious freedom, my right to liberty, uh -- in an action -- and this -- your decision is an order and judgment based on, uh, denying this motion to dismiss -- that and -- as he said, this case will resolve as a matter of law. You know, I'm not presenting any defense as to whether these events occurred, whether I had the license or registration. Uh -- So, in effect, the appeal would determine an action and prevent a judgment from which an appeal might be taken or ---

JUDGE: I disagree, and I'm -- I'm the judge. I disagree with your understanding of the law.

DEFENDANT: And I just want to object on the record, Your Honor.

JUDGE: That's on the record.

DEFENDANT: Okay.

JUDGE: And you have your opportunity to make that same objection -- first, at the directed verdict, uh -- point in this process, and then again at the close of the case, however it may resolve. [Pause] Now, you are -- appearing here today without an attorney, uh, which is your right to represent yourself. It is my duty to inform you, uhm, that self-representation can be dangerous. Uh -- You have the right to have an attorney. If you can't afford one, one can be appointed to represent you -- if you qualify. Criminal defense is a highly specialized and technical area of the law. There may be certain factual, legal, or other defenses to the charges you're facing that if you choose to proceed without an attorney you would not be aware of. There could be issues related to the conduct of a trial that you're not aware of and it will be your attorney's responsibility to make you aware of any issues during the conduct -- during the process of the trial. Uh -- how to properly address any issues, and if necessary preserve those issues for appeal. There could be collateral consequences outside of -- potentially 30 days in jail and a fine. Uh, there could be other collateral consequences you're not aware of including but not limited to an increased penalty for subsequent offences, the suspension of your driver's license, or your strike -- your right to restrict -- your right to possess firearms or ammunition, or your immigration status could be affected if that pertains to you. So, if you do choose to proceed without the services of

a licensed attorney, you yourself are responsible for complying with all the applicable rules of court including rules of evidence, procedural rules, and proper behavior before judge, and, or, jury. Understanding all that, do you still wish to go forward without an attorney?

DEFENDANT: An attorney will be -- will be provided, Your Honor?

JUDGE: Have you applied for an attorney? Because this is not the first time I've advised you of this.

DEFENDANT: Well, in this case, I haven't. Well, [Inaudible] I would like an attorney, Your Honor.

JUDGE: Did you apply for an attorney?

CLERK: No, Sir.

DEFENDANT: No, I haven't.

JUDGE: Okay -- and as I just stated, this isn't the first time I've informed you of this same thing I'm informing you of now. So, my question to you is why haven't you -- asked to be appointed counsel?

DEFENDANT: Well, your Honor, I haven't seen you in this case.

JUDGE: I'm not talking about in this case.

DEFENDANT: Okay, Your Honor.

JUDGE: You've been charged in this court, and you've been before me, and I've explained to you exactly what I just explained to you as to your right to counsel.

DEFENDANT: That -- I understand, Your Honor , that ---

JUDGE: And in fact, at one point in time, on a previous case you advised the court that you wanted to consult counsel, and we continued the case so that you could consult an attorney ---

DEFENDANT: I couldn't afford it, Your Honor.

JUDGE: --- and you went affor -- you went forward without an attorney and you did not apply -- I don't know if you applied that time for an attorney ---

CLERK: I've never received an application.

JUDGE: Okay. So, I understand you say you couldn't afford an attorney.

DEFENDANT: I couldn't, Your Honor.

JUDGE: But were you or were you not aware that you could be screened -- evaluated for court appointed counsel?

DEFENDANT: I didn't know, Your Honor.

JUDGE: And you're asking this court to evaluate you for a court appointed attorney or give you an opportunity to hire an attorney?

DEFENDANT: Yes, Your Honor.

JUDGE: Mr. Peagler, anything on behalf of the City?

PROSECUTOR: You know, Your Honor, we're right here at the time of trial. Um -- He's been made aware of that right before. We would prefer to proceed, but at a minimum, we would ask for -- to see if he would even qualify for a court appointed attorney before delaying it.

CLERK: Just for update on this case -- on April 20th this was continued, at the Defendant's request -- this case was to give him time to hire an attorney. I did not receive any application or request for screening at that time.

JUDGE: It was on this case?

CLERK: Yes, Sir. There's a motion that is in there.

JUDGE: So, Mr. Daniels you made a motion to continue this particular case previously in order to speak to an attorney?

DEFENDANT: Well I -- I did, Your Honor. I -- I tried to get an attorney. I couldn't afford an attorney. I thought that I could handle this, but these things have taken a turn that I'm not -- I'm not comfortable that I'm competent to handle -- and uh, at this point, I -- I -- I would say I need an attorney, Your Honor.

JUDGE: Alright. This matter is going to be continued to allow Mr. Daniels to either hire an attorney or to be screened for the public defender here in the City of Cayce. When it's rescheduled, there will be no further continuances in order for you to seek counsel, or for any other reason I can imagine -- sitting here right now. Um -- so, I expect you to be back prepared to go forward. Anything else on behalf of the City now?

PROSECUTOR: Your Honor, I would first -- I think we can make a determination of whether he would be eligible for a court appointed attorney in fairly short order. We would request that the continuance not be granted, unless he -- he's had ample time to hire his own lawyer. If he doesn't qualify for a court appointed attorney we would prefer to go forward today, because we're ready.

JUDGE: I understand. Here's my issue, Mr. Peagler. Mr. Daniels is exposed to at least 30 days in jail ---

PROSECUTOR: I understand.

JUDGE: --- and our Supreme Court has been very insistent that under those circumstances, uh, he has every right to obtain counsel, and because Mr. Daniels was not before me at this previous, uh, colloquy with the court about how to be represented -- whether or not you can hire an attorney and whether or not you can be screened for a court appointed attorney, I have to err on the side of cautiousness ---

PROSECUTOR: I understand Your Honor.

JUDGE: --- to allow him to be screened, uh, in very short order, but even whether he is qualified or not, or eligible or not, um, it's this court's opinion he should have that opportunity to speak to an attorney -- uh ---

CLERK: Your Honor ---

JUDGE: --- and be back

CLERK: Your Honor, with the, uh, if he does or does not qualify, for the reschedule date, will we be seating the same jury or do we need to go back through a jury strike?

JUDGE: We can seat the same -- I can't think of any reason why we couldn't seat the same jury other than -- well, I take that back. I don't know that we can require them to come back.

CLERK: Right.

JUDGE: Yeah. We'll have to get a new jury.

CLERK: So, we'll have to go through a jury strike again.

[RECORD PAUSED]

CLERK: So, what -- for court paperwork processes -- I'm gonna give you this. It's the court appointed attorney application. You'll stay here. You'll fill it out. Do you have any type of job income?

DEFENDANT: No.

CLERK: So, fill all of this out and I'll process it from there -- if Your Honor is okay with that.

PROSECUTOR: Thank you.

DEFENDANT: Yes.

JUDGE: That would be appropriate.

CLERK: [Inaudible] on the record?

JUDGE: No.

[RECORD PAUSED FOR INDIGENCY SCREENING OF DEFENDANT]

CLERK: We are on the record back in the matter Mr. Jonathan Martia Daniels. He has filled out the affidavit of indi -- indigency and application for counsel, uh, through the court. He has been approved by the clerk and the judge. He is now being represented by Mr. Harry Hancock, whose contact information I have provided to Mr. Daniels. Mr. Daniel has also been advised that he is scheduled for the jury strike next term, which is November 30th at 8:00 AM at council chambers. Notice will be mailed to the PO Box Mr. Daniel -- Daniels has provided, but he is also verbally advised in court of that date. Mr. Hancock will be notified this afternoon. Mr. Daniels can contact Mr. Hancock anytime after today.

PROSECUTOR: I'd like to reiterate, Your Honor, um -- any motions any filings or any contact with Mr. Daniel's case has to now come through his attorney.

JUDGE: That's correct. You have any issue, any concern, any questions from you, Mr. *Daniels?*

DEFENDANT: Not right now, Your Honor.

JUDGE: And you understand now because you are represented by counsel, any interaction with the prosecution or the court will have to go through your attorney?

DEFENDANT: I understand, Your Honor.

PROSECUTOR: Your Honor, also to clarify -- because we have the other case that's actually on appeal, that the appointment of the um -- appointment of defense counsel for um -- under indigent would not include any legal matters in regard to that appeal.

JUDGE: That's correct. Do you understand that, Mr. Daniels?

DEFENDANT: Yes, I understand, Your Honor.

JUDGE: Alright, I think that's it.

CLERK: The jurors are still in the jury room, if you want to excuse ---

JUDGE: You all are excused. We'll excuse the jury. Anybody wants to stay, you're welcome to stay.

CLERK: We will remain on the record, Your Honor, because the jury.

[DISMISSAL OF JURORS FOLLOWS]

[REMAINING PORTIONS OF THE RECORD NOT REQUESTED]

[TRANSCRIPT ENDS]

VII. TRANSCRIBER'S CERTIFICATION

I, Alice Falaiye, do hereby certify that I have listened to the recording of the foregoing; further that the foregoing transcript, comprising pages 1 through 14, was reduced to typewritten form from the provided digital audio recording, COMPLETED ON the 12th day of October, 2023; and that the foregoing is an accurate record of the recording as above transcribed in this matter.

Signed this 23rd day of October, 2023.

Alice Falaiye

Alice Falaiye
Independent Contractor, Transcriptionist
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JOHNATHAN DANIELS, APPELLANT VS- CITY OF CAYCE, RESPONDENT,	IN THE COURT OF COMMON PLEAS ELEVENTH JUDICIAL CIRCUIT C/A Number: 2023-CP-32-02817 **CERTIFICATE OF SERVICE**

I, Johnathan Daniels, certify that I have served the Municipal Court Transcript on Respondent c/o Danny Crowe by depositing a copy of it in the United States Mail, postage prepaid, on 10/24/23, addressed to Danny Crowe, 2019 Park st., Columbia, SC, 29201.

Respectfully Submitted

Johnathan Daniels, for the defense
P.O. Box 30651
Columbia, South Carolina 29230
Email: chesssetbyj@yahoo.com

State of South Carolina)
) Court of General Sessions
County of Lexington)

2023-CP-32-002817

Johnathan Martia Daniels)
vs.) Transcript of Record
)
)
City of Cayce)
Defendant)

November 23, 2023
Lexington, South Carolina

B E F O R E:

Honorable Debra R. McCaslin, Judge

A P P E A R A N C E S:

Johnathan Daniels
Pro se

Danny C. Crowe, Esq.
Attorney for the City of Cayce

DCRP - M. Jones

Joy E. Holston
Official Court Reporter

THE COURT: Johnathan Daniels versus the City of Cayce.

MR. CROWE: Good morning, Your Honor. Danny Crowe for the City of Cayce.

THE COURT: Yes, how are you, Mr. Crowe?

MR. CROWE: How are you, Your Honor.

THE COURT: I am, I remember you too back in my days.

CLERK OF COURT: What is your name?

MR. CROWE: Crowe, C-R-O-W-E; it is on the roster.

MR. DANIELS: And, Your Honor, make sure we get off on the right foot. I am aware of this address for religious meetings so no disrespect.

THE COURT: None taken. Alright, I am going to talk to you, Mr. Crowe, because I am somewhat confused.

MR. CROWE: Yes, ma'am.

THE COURT: I read this and let me call it for the case, just for the record. 2023-CP-32-02817, Johnathan Daniels versus the City of Cayce. Looks like, I read the transcript, he goes to court, looks like he made a bunch of pretrial matters. I read the transcript but nothing was heard or decided upon. Am I missing something?

MR. CROWE: Yes, Your Honor. A return was filed, if you have it. Both, there were two separate preliminary pretrial motions. One before Municipal Judge Jeffries; one before Municipal Judge Bobertz. I have the return of

both which I hope was filed. The Clerk of the Municipal Court indicated that it was filed. And Mr. Daniels filed a transcript of the hearing before Judge Jeffries. The, both, there is no written order from either but both were denied, both motions.

THE COURT: The only thing I have got is where he went, and this was on November the 7th.

MR. DANIELS: Your Honor, I may be able to help with that.

THE COURT: Just give me one second.

MR. DANIELS: Okay.

THE COURT: On November the 7th he goes and he, I guess Mr. Peagler was on the other side, they talk about him getting counsel. They give him a screening app and then he leaves. That is all of the transcript that I see.

MR. CROWE: It is fifteen pages. The motion was denied by Judge Jeffries about page eight or so.

MR. DANIELS: Your Honor, I have, there are scanned copies, are incomplete. You will see that the transcript that you have is probably missing pages four to nine. I brought a copy for everyone here. I looked at it yesterday and I saw this.

THE COURT: You know what, you are exactly right.

MR. DANIELS: Yes.

THE COURT: I got pages four and five and then it is,

skips to ten. And it looks to me like it just stops, I don't know what the deal, you are exactly right.

MR. CROWE: I have got it.

THE COURT: Y'all give me one second to catch up because I didn't, that's it.

MR. CROWE: There was an actual return filed, although I don't have a clocked copy. The Clerk indicated, our Clerk, City Clerk, Court Clerk indicated that she filed it with this Court on about August 28th, I believe, August 16; the Clerk confirmed that it was received by email to our Clerk on August 22. I filed a motion to dismiss on August 28. I did pull the return.

THE COURT: I am just telling you what was filed with the Clerk's office here was missing a couple of pages.

MR. DANIELS: That was with the scanning, Your Honor. I filed the whole thing, the whole transcript was, I gave them the whole transcript.

THE COURT: You did and but what I printed off --

MR. DANIELS: It is missing online as well, it is missing those pages.

THE COURT: I just know that what I printed and read this morning before I came out here is missing those pages because I couldn't quite understand what you were appealing.

MR. DANIELS: Okay.

THE COURT: Without it, it didn't make any sense to me because, let me put you under oath, Mr. Daniels. If you will raise your right hand.

Johnathan Daniels, being first duly sworn, testified as follows:

MR. DANIELS: I do, Your Honor.

THE COURT: Looks to me like you were driving a vehicle unregistered is one offense; and no driver's license.

MR. DANIELS: That's right, Your Honor.

THE COURT: There are two offenses we are talking about?

MR. DANIELS: That's right, Your Honor.

THE COURT: And you asked for a jury trial. You also filed a motion to dismiss which I did grant.

MR. DANIELS: Apparently the law that I am presenting may be something that doesn't come up much in this, in this area I guess. So I don't know --

THE COURT: It is religion?

MR. DANIELS: Right, Your Honor.

THE COURT: I read that.

MR. DANIELS: Yeah. And so --

THE COURT: I will be glad to hear you on it.

MR. DANIELS: Okay. Well, I don't know, Danny filed a motion to dismiss. I don't know if you wanted to deal

with that.

THE COURT: This is your appeal.

MR. DANIELS: Alright, thank you, Your Honor.

THE COURT: And I saw where you mentioned religion.

MR. DANIELS: Yes, Your Honor.

THE COURT: And I am just curious as to what the basis is. I will be glad to hear from you.

MR. DANIELS: Okay. Let me, so there were two motions that I made. A motion to quash at the beginning of the case, and can you hear me well?

THE COURT: Uh-huh. (Indicated yes.)

MR. DANIELS: The motion to quash that I made at the beginning of the case and the motion to dismiss, both motions that I am appealing the denial of; those were made under Constitutional authority as well as South Carolina section 1-32, the Religious Freedom Act in South Carolina. Now, I don't, if you haven't read the court documents, you will see that I have an affidavit filed in the paperwork that I submitted that explains and outlines my religious beliefs and how I get from the point of serving God to not wanting to have a license. And so there's, actually submitted it to you all on, so there is something that, something that I submitted that is called municipal record on appeal. And I got page numbers there just so that you could check it, if you try to look at it after this

hearing or whatever. The affidavit is pages 68 to 72 and now I will ask you, I don't know what your time constraints are, if you want me to go through those religious beliefs so that the Court is aware, so that what I am saying later makes sense or maybe you would like to read it later. I don't know what you want to do.

THE COURT: I want you to say what you want to say.

MR. DANIELS: Okay.

THE COURT: I got plenty of time.

MR. DANIELS: So my religious beliefs that, now this is not the first case I have had with the City of Cayce. My religious beliefs I put before the, before that Court and before Mr. Peagler, this is my first time meeting Mr. Crowe but I see Mr. Peagler on more than one occasion. Alright, so I will just go through this very quickly. I am sincere and devoutly religious, and this is statements from an affidavit submitted to the Municipal Court. I am a sincere and devoutly religious man who has made a great many lifestyle sacrifices in adherence to my religious beliefs. I am a Sephardic man descended of actual and real Hebrew, Hebrew Negroes exiled from Europe by authority of the Alhambra Decree of 1492. My understanding of this Decree and resulting exile of Negroes is that the Decree was issued by the Catholic Rulers of Europe, specifically because of the Hebraic

ancestry and religious beliefs of the Negroes. As a consequence, Negroes who refuse to convert to Catholicism were exiled to colonies of the Empire, later hunted down and enslaved under warrant of the King and Queen of Spain and the Catholic Church as well as the King of Portugal. And many Negroes were subsequently moved back to the Americas from whence they have come. I sincerely believe that I am redeemed by God and freed with the revocation of the Alhambra Decree in 1968 making any enslavement of Negroes illegal going back to 1400 A.D. I believe that it was not a mere coincidence that Negroes in America were extended civil rights in the 1960's but that was a result of the worldwide revocation of the order of the Empire that purported to authorize Hebraic Negro enslavement especially in the New World. Now I don't know that these are all, they are all relevant to my belief to get to where I went so I won't skip any here. After having contracted peace in exile my ancestors suffered betrayal at the hands of the King and Queen of Spain, the King of Portugal and the Catholic Church; all acting in bad faith resulting in illegitimacy of the Alhambra Decree of 1492. I have a sincere and profound belief that the King James Bible contains holy scriptures written specifically for Hebrews surviving in exile and that those scriptures prescribe that I am obligated to avoid slavery, peonage,

bondage and involuntary servitude to, at all times and all forms. I am duty bound as under Galatians 5: 1-6 and Romans 3:19 to avoid slavery, peonage and involuntary servitude at all times. I am ever vigilante, I am ever vigilante in my avoidance of direct slavery, chattel slavery, bondage, peonage and any form of covert or overt involuntary servitude because by doing so is essential and fundamental to my sincerely held religious, religious beliefs and practices. I believe that I exist to serve my God exclusively and that I, having already been free from slavery am prohibited to return to the yoke of bondage. I sincerely that the State acts on behalf of the Dragon described in Biblical, in the Biblical Book of Revelations at 12:4 which entraps children at the bondage as soon as they are born of their mother's. I believe that this entrapment and enslavement is carried out through the use of fictitious and/or corporate names plagiarizing and passed off as genuine identities upon unsuspecting children of God. I believe that the term, corporate, refers to a dead body which is not truly alive but is given pseudo life by the State. I believe that by agreeing to identify as a corporate, as a created corporate persons and using corporate names men and women of God are erroneously claim death and remove themselves from their Creator's protection. I believe that Godly

people should live, should not live under a false name and identity but rather they should come in the name of their Creator given to them by their true Father and not come in a fictitious name assigned a State as parens patriae. I refuse to use a State driver's license or vehicle registration, which I believe misidentifies me as an enslaved dead entity through a plagiarized corporate version of my true name which appears in all capital lettering in those documents. I believe that many government documents address a State created fictitious corporate person while other Government documents address me directly creating a deliberate condition of confusion as to which communication addresses a corporate person and which does not. My position regarding the existence of a surreptitiously created and imposed State franchise or State created corporate persona and the resulting bondage and exactly which Government functions address said corporate persona and which address me directly is that the State is culpable for any misunderstanding I have because the State has remained secretive and repeatedly refuse to disclose information that I have requested. Through independent research and legally permissible discovery during litigation with the State over the last ten years I have diligently attempted to understand the State's purpose and position on its creation of corporate

persons and sought to prove or disprove which of the State's franchise and/or corporate schemes involve me. The State has refused to respond to my discovery request and information request. However, the State has never rebutted or denied my affirmed attestations to the State surreptitiously enfranchisement and a mischaracterization of me, as a State created corporate person. I have thoroughly investigated the matter and reasonably concluded that through license and registration or other means the State has treated me or intends to treat me as either a corporate franchisee of the State or a State created corporate person. The State has refused to provide any information contrary to my conclusions given in the statement that I just made, leaving me to sincerely accept my findings as the truth of the matter. Now as to my request for accommodation, I am and these are the statements from the affidavit as well. I am a competent driver and I have held State drivers licenses in good standings for over 20 years. I do not drive commercially or use public roads for private gain. Where due, I pay vehicle taxes and permit fees to the State of South Carolina until I was unconstitutionally intimidated and banned from using the public roads by the City of Cayce. I maintain liability insurance on my pickup truck at all times. Due to overzealous and persistent prosecution by

City of Cayce I have been forced to park my truck and refrain from using it on the public roads of the State. I do not deny the State's authority to regulate, now this is important because there has been a lot of sovereign citizen talk, for me this is not a political matter, this is a religious matter. I am not a sovereign citizen, I do not deny the State's authority to regulate the public roads of the State and I do not deny --

THE COURT: Let me ask you this.

MR. DANIELS: Yes, Your Honor.

THE COURT: Because you, you were charged with no driver's license.

MR. DANIELS: Right, Your Honor.

THE COURT: And unregistered vehicle.

MR. DANIELS: That's right.

THE COURT: Were you driving that vehicle?

MR. DANIELS: I was, Your Honor.

THE COURT: And did you have a driver's license at that time?

MR. DANIELS: I did not, Your Honor.

THE COURT: And was your vehicle registered?

MR. DANIELS: No, Your Honor. Okay. I do have three more statements just from the affidavit --

THE COURT: Sure.

MR. DANIELS: -- to inform the Court. So I have

previously contacted the South Carolina Department of Motor Vehicles for obtaining a permit under South Carolina of section 56-3-180 which is an exemption to registration. But I did not receive an affirmative response nor any guidance on how to obtain the permit. And lastly, I sincerely believe that in the sincerity between my religiously motivated conduct in that of sovereign citizens it is purely an unfortunate coincidence. Now Your Honor, what I just gave you were statements supporting my religious belief.

THE COURT: Let me ask you. Have you been to the DMV and asked them about how to get a driver's license?

MR. DANIELS: I have, Your Honor. And I sent information there, I got in contact with the General Counsel. They contacted me back and just like the City and I will explain here, they have misinterpreted the law and denied the exemption to me. Now, I haven't --

THE COURT: I am not here to decide about any exemption.

MR. DANIELS: I understand, Your Honor.

THE COURT: I am here to decide that on this day were you driving a vehicle without a driver's license and it was not registered.

MR. DANIELS: Yes, Your Honor.

THE COURT: That is against the law. And it appears

to me that, was this a jury trial?

MR. DANIELS: No, Your Honor. That is the thing, this is not a trial. I need a motion to dismiss which was denied improperly so and I believe he made an error in law in denying it. And so the law, and I haven't presented any argument to you.

THE COURT: Why do you think, just tell me what it is that you are appealing. I know you are appealing your conviction.

MR. DANIELS: I haven't been convicted, Your Honor.

THE COURT: Just beliefs --

MR. DANIELS: Your Honor, Your Honor, I have not been convicted. This was a pretrial motion that I made to dismiss, two motions.

MR. CROWE: That is correct, these are pretrial motions. One to quash, one to dismiss.

THE COURT: What is he doing in this court?

MR. CROWE: That is a good question, that was a basis for our motion to dismiss.

MR. DANIELS: Okay.

MR. CROWE: This is an interlocutory appeal.

THE COURT: That's right, you have got to go through the motions to do an appeal. It is not time to appeal yet.

MR. CROWE: Sentence or judgment from the Municipal

Court would be appealed to this Court.

THE COURT: So it hasn't been determined, you haven't been found guilty or not guilty yet.

MR. CROWE: That is correct, Your Honor.

THE COURT: Let me explain this to you. You have got to be, it is not time for you to appeal yet. You don't get to make a motion, some motions you can. But on this motion that you brought in front of the Court isn't one to appeal. You are going to have to go through all the motions in the lower court before you come up here. Because I don't have jurisdiction to hear this case at all.

MR. DANIELS: Okay. So, what happened, Your Honor, and you will see in the notice of appeal that I sent to the Circuit Court. This appeal is made under 14-3-330 section (1) and section (2)(a). Now this appeal and we will get into why I am appearing in this court at this time as opposed to in this court earlier.

THE COURT: You need, I am going to tell you right now I have no jurisdiction to hear this case.

MR. DANIELS: Okay.

THE COURT: I will let you make a record.

MR. DANIELS: I appreciate you. Let's see here. So this case was before the South Carolina Supreme Court.

THE COURT: And I think they told you the same thing.

MR. DANIELS: Not exactly. They told me that I need to come see you, is what they told me. And I will give you, in the documents I gave you, pages 75 to 76.

THE COURT: It was remitted back to the Municipal Court.

MR. DANIELS: With an order, with an order stating that the appeal needed to be made to the Circuit Court. And so there is the remittance and order, this is an order from the South Carolina Court of Appeals, received in Cayce on March 13th, filed at the Court of Appeals on November 29th. And the order reads, this appeal arises out of two verbal orders issued by the Magistrate Court because this Court lacks jurisdiction, this appeal is dismissed. See South Carolina Court annotated 18-7-10, 2014.

THE COURT: Mr. Crowe, you got anything saying that the Supreme Court said to bring this back to the Circuit Court?

MR. CROWE: My recollection, this is a convoluted history as Your Honor has recognized.

THE COURT: It seems like the Supreme Court sent it to the Court of Appeals.

MR. CROWE: Mr. Daniels appealed from these pretrial, denial of these pretrial motions to the State Supreme Court which sent it to the State Court of Appeals which

eventually remanded to the Municipal Court. And then apparently four months after the remittitur Mr. Daniels commenced this appeal from Municipal Court to this court.

THE COURT: On the same basis that --

MR. CROWE: Yes, ma'am.

THE COURT: -- that he took it to Supreme Court?

MR. CROWE: Same case.

THE COURT: Back to the Court of Appeals and then remitted back to the Municipal Court. You have to get a decision before you come to me.

MR. DANIELS: Your Honor, and I am sorry. I don't want to, the order here says when a judgment, this is from the Court of Appeals when they remitted the case back to the Municipal Court. The reason for the dismissal at the Court of Appeals is because they lack jurisdiction because when a, and I am reading the order here, when a judgment is rendered by a Magistrate's Court the appeal shall be to the Circuit Court of the County wherein the judgment was rendered. And --

THE COURT: The judgment hasn't been issued yet.

MR. DANIELS: And that is why, section, I am sorry. And I am not trying to stir up any trouble here. An interlocutory appeal, Your Honor --

THE COURT: I am listening to you, very interesting.

MR. DANIELS: Okay. Thank you. An interlocutory,

under 14-3-330, an interlocutory appeal can be made and I will read it, the specifics of the law here. There you go. Appeals made under South Carolina section 14-3-330 and section (1) and section (2)(a) may be heard from an interlocutory posture at any time after final judgment, I am sorry, interlocutory posture or at any time after final judgment. Now one of the big issues that I had here, there is actually three things that I am appealing here. One is the denial of the motion to quash which had a religious basis. Two was denial of the motion to dismiss which had a religious basis. But three, this was, I was willing to take it to trial but Prosecutor Peagler made a motion in limine to restrict me and if you read the transcript on, so I have no other defense. If you look under South Carolina section 1-32 you see there that all laws in South Carolina when they are, and I have, I have proven my sincere religious beliefs by affidavit by testimony before the religious, before the Municipal Court. When a religious burden is put on a citizen by the State then that law will be subjected to a compelling interest test which puts the law under strict scrutiny. Now there are seconder exemptions and the laws are not generally applicable. The laws, now if I make a pretrial motion to have it dismissed because what ends up happening is, if the State cannot burden my religion and my

religious exercise without going through a compelling interest test and availing strict scrutiny then me being put on trial for driving without a license which I do for religious reasons, is not allowed when they offer --

THE COURT: You have to understand that the State has an interest in you having a license.

MR. DANIELS: I understand. I understand, Your Honor.

THE COURT: The law, it doesn't have anything to do with religion.

MR. DANIELS: And so --

THE COURT: And you can't use religion to get around a State law. Do you understand that?

MR. DANIELS: Your Honor, I respectfully disagree with that.

THE COURT: If that is the case we wouldn't have any law.

MR. DANIELS: Okay.

THE COURT: Your religion would take precedence over everything.

MR. DANIELS: I understand. Some people are of that opinion, Your Honor, but the Supreme Court hasn't found that to be the case.

THE COURT: Let me hear from Mr. Crowe.

MR. DANIELS: Your Honor, I am sorry.

THE COURT: I am going to hear from Mr. Crowe.

MR. DANIELS: Okay.

MR. CROWE: Your Honor, there are several basis why we think this appeal should be denied in addition to the circumstance, overriding circumstance that there is no error of law. First, as we have discussed, appeals may only be brought from Municipal Court to this court under section 14-25-95, appeals from a sentence or judgment. There was no sentence or judgment here. This is an interlocutory appeal which Mr. Daniels acknowledges. Section 14-3-330 which he read and cited deals with the appellate jurisdiction of the Supreme Court, not this Court sitting as a Court of Appeals. So this Court, we would submit, does not have jurisdiction to hear an interlocutory appeal from Municipal Court matter.

THE COURT: I agree one-hundred percent.

MR. CROWE: Additionally, because of the, or due to or as a result of or following the convoluted history of this case, Mr. Daniels brought his appeal from Municipal Court to this court way too late. As we set out in the motion to dismiss he filed the appeal to this court more than 21 months after Judge Bobertz's 2021 rulings, more than nine months after Judge Jeffries 2022 motion rulings and more than four months after the remittitur from the Court of Appeals to the Municipal Court. So he both

appealed too early and to the wrong court and then upon remittitur waited too long to file an appeal to this court. So without reaching the ground of the religious applicability of the Religious Freedom Act he is simply untimely and has brought an improper interlocutory appeal. As to the Religious Freedom Act, the, which as your Honor knows, sections, begins at section 1-32, I believe, of the Code. His argument rest on the notion that that act grants him immunity from prosecution. To our knowledge there are no cases that say the Religious Freedom Act grants immunity from prosecution but that it is simply an affirmative defense. So we do have statute such as the Protection of Persons and Property Act that specifically provide for immunity for prosecution. But the Religious Freedom Act does not, it just says that this Act is available as a defense.

THE COURT: And I don't believe it protects him from not to obey all the laws that we had.

MR. CROWE: Well, I do agree with that. But, Your Honor, even to not go that far. What Judge Jeffries ruling was, this is a motion, a legal motion that he could make at the trial of his case.

THE COURT: It hadn't been made yet.

MR. CROWE: That's right. Because he appealed too early but then --

THE COURT: Right.

MR. CROWE: -- too late. That basically is our position. It is a dense record, it is a long record. But the gest of it in my mind is that this is an interlocutory appeal which he cannot make to this Court.

THE COURT: Right. Alright, anything else?

MR. DANIELS: I do have a few things, Your Honor.

THE COURT: I want it to be based on what he just told me because what I am trying to --

MR. DANIELS: Okay, okay. I got you, Your Honor.

THE COURT: I have no jurisdiction to hear an interlocutory appeal. I know what you think the Court of Appeals opinion says but I am disagreeing with you. I don't have the jurisdiction to hear it, that's my ruling. This is, the problem is that you are in the middle of a case that you haven't been found guilty, not guilty. You haven't been able to present your religious defense yet because --

MR. DANIELS: I have, Your Honor.

THE COURT: -- you have not. You haven't been through the trial yet. When you finish then you can appeal that case, even, I don't even know if you would be found guilty or not. I don't know. That is by a jury of your peers. Then you can appeal this case.

MR. DANIELS: Okay. They won't let me present the

other defense, Your Honor.

THE COURT: And if you don't like what I rule you can take it upstairs to the Court of Appeals and eventually to the Supreme Court is how it works. But I don't, I do believe that it is too early. I do believe I do not have jurisdiction for an interlocutory appeal. If you want to assert your, a religious defense you can. But you have got to assert it down in Magistrate's Court.

MR. DANIELS: Okay, Your Honor. Would you make that ruling that if I want to make my religious defense I can do that --

THE COURT: That Judge, I am just telling you, you can make it down there, can he not, Mr. Crowe. I don't know what that Judge is going to --

MR. DANIELS: You read in the manuscript, I mean the transcript what he has ruled. What he has ruled is I cannot bring up any evidence or mention religion in any capacity any way whatsoever. Now --

MR. CROWE: To the jury, but it is a legal defense. So he can plainly and I think it is said in the transcript at page 67. It says you can make this argument, you can make this motion at trial.

MR. DANIELS: No. Show me where it says that because it never said that. He never said that. Your Honor, they restricted my ability to even bring up the statements that

I made in the affidavit. No jury could possibly --

THE COURT: You --

MR. DANIELS: I understand, I understand, Your Honor. But what I am telling you is that I have requested a trial by jury. Now the jury has a right to hear facts. I can't make, Judge Jeffries, that is the third thing that I was appealing here today. He made a ruling that I cannot bring up or mention religion in any way whatsoever. Now, if I can't do that and my religion, my defense is based on South Carolina section 1-32 which is a valid law that will allow me to at least --

THE COURT: This is interlocutory.

MR. DANIELS: I understand that, Your Honor.

MR. CROWE: It is on page five.

MR. DANIELS: I am just telling you at the --

MR. CROWE: Fifteen page transcript. At the bottom Judge Jeffries says.

No, sir. Let me address that for you.

Is the Court with me, page five.

THE COURT: I am on page five.

MR. CROWE: At the bottom, line 23.

So you are allowed to make any defense related to law to the Court after the City has presented its case-in-chief. So the jury that sat in here will make determinations as to facts, then I will provide them the

law and then they will apply that law to the facts. But any questions of the law would be made, any argument would be made to me and that would be a, what we call the directed verdict process in the trial. Once the City has presented its case-in-chief, they presented any and all witnesses, any and all evidence you have an opportunity at that point to move for what is called a directed verdict and that is a legal argument. The jury doesn't hear it. It is you, me and Mr. Peagler determining what the law is with regards to what you are charged with and this process. So I am going to grant the motion to suppress any testimony with regards to your defense being that the City or the State or the law does not have jurisdiction over you. But certainly you can make that argument and I expect you to make that argument at the directed verdict.

MR. DANIELS: Okay, Your Honor.

THE COURT: You can't argue the law to the jury is what he is telling you.

MR. DANIELS: I understand, Your Honor.

THE COURT: And what he is telling you, just like in this court. When I try a case, if its a matter of law then its my decision, even if I have got a jury, the jury doesn't hear that.

MR. DANIELS: I understand.

THE COURT: Always excuse them and I make that

decision. That is the same with the City of Columbia and that is what he is telling you. A jury, all a jury does is determine the facts of the case. They don't determine the law, the Judge does.

MR. DANIELS: I understand. I won't waste your time.

THE COURT: You haven't made that argument to a Judge yet because you haven't gone to your jury trial. I understand you told him that is what you want to do and he just told you what I just told you.

MR. DANIELS: I understand.

THE COURT: You can argue that to me all day long but not in front a jury and we will decide what the law is. That is exactly what he told you.

MR. DANIELS: Okay. And if you will go to page four, right before where he started reading.

This is Prosecutor Peagler speaking and he says.

Your Honor, there have been several motions submitted by the Defendant about matters of law, particularly religious accommodations or exemptions for the application of the law. We want to make sure that is not an argument that is presented to the jury or facts, or facts along those lines because that is a matter of law, not a matter of fact.

THE COURT: He --

MR. DANIELS: Your Honor, give me a second, if you

would, please.

The evidence and testimony and arguments today, the evidence and testimony should be,

Now that is important.

Should be confined to the events of the traffic stop and the facts that are the basis for the actual charges.

And if you read further down, he continues.

Testimony or arguments like the gravamen of the motion that he submitted to you and that the jury does not hear, have a right to hear those, to hear about those matters that they cannot rule on. He has asked, I want to prevent because we have had several motions. I don't want, and this is the kicker, I don't want him to be able to argue or present any evidence or anything that would have to do with the religious exemption to the laws. To be honest --

And he continues there about Judge Jeffries not enforcing the constitution or not making a constitutional determination at that point. But if I request a trial by jury and my defense is based on religion and I have no right to state any facts or testimony or evidence of a religious nature to the jury then there will be no facts in evidence for me to rely on at a directed verdict motion.

THE COURT: This is all I can tell you, Mr. Daniels.

That you are here way too early for me.

MR. DANIELS: Okay, Your Honor.

THE COURT: I don't have any issues, I can't tell a City Judge what to rule, what not to rule. You haven't even been through your jury trial yet. I would suggest to you, go to your jury trial, make your arguments. If you don't like the verdict or how it turns out then appeal it. That is what, that is what everybody does, that is how it works.

MR. DANIELS: Okay.

THE COURT: It is not an interlocutory appeal to come to this court.

MR. DANIELS: Well, Your Honor. And so, this is my one question that I have, that is still unresolved. Okay. And I just want to state on the record that I disagree with the --

THE COURT: That is okay.

MR. DANIELS: -- on rather I have a right to appeal at this point. So I will just state that for the record. But the, if I am essentially being denied, I would say I am being denied a trial by jury because I won't get a chance to present any evidence to the jury. And section 14-3-330 says that the State Supreme Court has jurisdiction to hear an interlocutory appeal of the nature that I am complaining about and I send an appeal to the

State Supreme Court. They don't hear it, they refer it to the Court of Appeals. They don't hear it, they say I should send it, well, they send it back to the Municipal Court with something that made me think that I should present it to you. Then I have been denied at the Municipal level. The State Supreme Court says they have inter, have a interlocutory right to appeal to them. Now, they didn't hear it, the Court of Appeals didn't hear it, you won't hear it, the Municipal Court already ruled.

THE COURT: I keep trying to tell you, nobody has ruled upon it. This was a pretrial motion.

MR. DANIELS: And the ruling was --

THE COURT: Argue the law to the Judge.

MR. DANIELS: Was that not a ruling because I am not a lawyer.

THE COURT: The jury trial motion hearing. You know, Mr. Daniels, it might behoove you to go hire a lawyer.

MR. DANIELS: Oh, I tried that, Your Honor. And let me --

THE COURT: I am just going to tell you, at this point, it is just a pretrial motion and it is not appealable. The Judge hasn't ruled, you haven't gotten there yet.

MR. DANIELS: They ruled to deny the motion.

THE COURT: On a pretrial. He is saying, I am not

hearing it beforehand.

MR. DANIELS: Oh no, Your Honor, he didn't --

THE COURT: It is a matter of law, he hasn't ruled on that yet.

MR. DANIELS: Okay. I think that he has ruled. And let me just say one last thing.

THE COURT: I kind of disagree.

MR. DANIELS: I am not an expert, Your Honor. I just do what I can. Mr. Crowe, he has mentioned several times about me being untimely. Now, at that hearing on November 7th I was found indigent and the Court appointed me an attorney, Mr. Hancock. Now, Mr. Hancock, this is all in your record, I don't know that you have read it. But Mr. Hancock refused to help me in any way whatsoever. Alright. And so I ended up as a unrepresented person, having an attorney who abandoned me for the appeal. Now that appeal being filed in the correct court or incorrect court, I just read the statute and did what I could. In the record that I presented to you there are emails from Mr. Hancock where he makes, I mean drastic errors in terms of, for example, and I will just bring up this one thing. And I mentioned in this only because, I think it would be relevant in case I do have to appeal to a higher court. The ineffective, I mean they appointed this lawyer to help me out. And just as one example, South Carolina section

1-32, cites Yoder, Wisconsin v. Yoder, that is 406 U.S. 205, 1972; and Sherbert versus Verner, that is 374 U.S. 398, 1963. Now he told me and I will just read here, for example Mr. Hancock's explanation of the implications of Wisconsin v. Yoder was completely incorrect. Mr. Hancock first said that Yoder was a driver's license case that was decided in favor of the State's right to require licensing. When I informed him that it was actually a First Amendment, religious exercise case he responded that despite his early inaccuracy the case was decided in favor of the State's right to compel, to compel licensing or performance under circumstances. This was also incorrect. In Yoder the U.S. Supreme Court ruled 7-0, seven to nothing, that the State of Wisconsin violated the First Amendment to the Constitution and had no right to compel performance or punish non-compliance with the law. He also applies the standard in Smith in terms of neutrality and general applicability of the law which is incorrect. Fulton versus Philadelphia decided in, what year is that, 2021 is the ruling case law on that as well as compelling interest that you mentioned, Your Honor, and that Mr. Crowe refers to. Now, under the compelling interest test under strict scrutiny determination of a compelling interest cannot be done at a general or high level of resolution. Instead strict scrutiny, a strict scrutiny

analysis and I am reading from Gonzales v. Central. That is 546 U.S. 418. Government cannot merely claim a compelling interest at a high level of generality because a compelling interest test under the First Amendment demands a more precise analysis. Rather than rely on broadly formulated interest courts must scrutinize the asserted harm of granting specific exemptions to each particular religious claimant. That is Fulton versus City of Philadelphia, 593 U.S. at 14. So Mr. Hancock made those errors as well as his, his reasoning appears to be under Employment Division, Department of Human Resources v. Smith. That is 494 U.S. 872. But it is an incorrect interpretation of South Carolina section 1-32 because South Carolina section 1-32 gets past Smith's neutrality and general applicability barriers. And the statute says so in plain meaning of its text. It says that 1-32-40, the State may not substantially burden a person's exercise or religion even if the burden results from a rule of general applicability unless the State demonstrates that the application, the burden to the person is in furtherance of a compelling state interest and that is with high resolution as applies to me, as I just stated in the law and the least restricted means of furthering that compelling State interest. There are secular exemptions to both the licensing and registration wherein a person, a

lot of people don't know this. A person without any license whatsoever in any jurisdiction can come into South Carolina and drive for 90 days a year under South Carolina section 56-3, I am sorry, 56-1-30 section (3). That person can drive 90 days a year. They are telling me I cannot drive at all which is much more restrictive than being allowed to drive 90 days a year without a license. And I bring these points up just to support my assertion in my notice of appeal to you and this Court that I have had ineffective assistance of counsel. The man is, I won't say incompetent as a lawyer but in terms of civil rights and the First Amendment law he is not understanding it at all.

THE COURT: Well you understand though that we have something that you can, there is another process if you think your lawyer is inadequate. But then again you haven't been found guilty or not guilty yet.

MR. DANIELS: I was just mentioning for you to hear it.

THE COURT: Where is this case, is it still just pending?

MR. CROWE: Where is it?

THE COURT: Yes.

MR. CROWE: It is here but the case is still pending. I mean, would be ending --

THE COURT: I remand it back then he goes to trial, right?

MR. CROWE: Yes, ma'am. His jury trial request is still on the burner.

THE COURT: And his lawyer, was he appointed counsel?

MR. CROWE: Mr. Hancock is the City Public Defender.

MR. DANIELS: He was appointed, Your Honor, but I released him.

THE COURT: You released him?

MR. DANIELS: Yes, Your Honor.

THE COURT: Alright. Well, this is what I am going to do. I am going to take this matter under advisement. I am going to read your case law, Mr. Daniels.

MR. DANIELS: I appreciate that, Your Honor.

THE COURT: And I will issue an order. Probably won't be until next week though.

MR. DANIELS: I am not rushing you, Your Honor. If you would please be thorough because I have been doing this too much with, you know, and the thing is, in Richland County I have made this argument. They have dismissed and nolle prosed. I have made motions to dismiss that were recognized. And the thing is, they haven't done it yet because as you mentioned, we haven't had the trial. But in another case, and Mr. Peagler does this on multiple occasions in open court on the record,

questioning and denying my religious beliefs and my claim to burden by the State. And I wonder how that can be done when they operate in privity with the Richland County, City of Columbia, University of South Carolina police, that have all respected my claim to burden, how now at this point my claim to burden comes into question. I don't get that. But I just want that in the record so that it can be heard.

THE COURT: Well, thank you.

MR. DANIELS: And if you would be thorough I would really appreciate it because at some point, this has been going on for years, I have been restricted of my travel, I can't drive my truck, I can't drive around, I got to call friends, I have got to catch taxi's and Uber's. And I have been doing this for about three or four years now. If one Court would finally make a decision, I mean at least pay attention to what I am saying and get to a final ruling so that at the State level it has been resolved. If it is resolved legally I will accept. If I am ineligible for the exemption I will accept that according to the law, not according to the preferences of people who just don't like me. So that --

THE COURT: I got you.

MR. DANIELS: -- I can move federally if I need to. I just want the State stuff resolved. I can't work in

Cayce, I have had jobs, job offers. I was working in Cayce when I got ticketed the first time. And it is not a lot of money but I am in South Carolina, okay, so I am making $45,000.00 a year. And I am driving to and from work. This all starts, I can't move, I can't drive, I requested exemption, accommodation, just to be able to drive into Cayce to go to work at Amazon where I was working and just to be able to move around. I am not trying, I am not trying to get away with anything. But if the law allows me to be exempted, based on my religious beliefs, I have to pursue it. And I fought harder than I wanted to, to be honest with you, because this is a lot of work, only because I am obligated religiously have I done all of this. I just want some resolution and I am not rushing you, Your Honor, if you took two weeks or three weeks, however long it takes for you to get in the paperwork and actually see what I am saying I would appreciate that immensely, my family would appreciate that.

THE COURT: I would think so.

MR. DANIELS: Thank you, Your Honor.

THE COURT: Okay, Mr. Daniels, I will take this matter under advisement and issue an order.

MR. CROWE: Thank you, Your Honor, good to see you.

MR. DANIELS: Thank you.

THE COURT: Good to see you too, Mr. Crowe.

*** END OF REQUESTED TRANSCRIPT OF RECORD ***

CERTIFICATE OF REPORTER

State of South Carolina)
)
County of Newberry)

I, Joy E. Holston, Official Court Reporter do hereby certify that the foregoing is a true, accurate and complete transcript of record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the County of Lexington, South Carolina on the 23rd day of November, 2023.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

That said transcript was transcribed to the best of my ability with digital audio and supporting information.

March 20, 2024

/s Joy E. Holston
_____
Joy E. Holston, Court Reporter

My Commission expires: May 2, 2026

STATE OF SOUTH CAROLINA)	
)	COURT OF COMMON PLEAS NONJURY
COUNTY OF LEXINGTON)	
JOHNATHAN DANIELS,)	TRANSCRIPT
)	
PLAINTIFF,)	OF
)	
vs.)	RECORD
)	
CITY OF CAYCE,)	2021-CP-32-3639
)	
DEFENDANT.)	

September 22nd, 2022

B E F O R E:

THE HONORABLE ROBERT E. HOOD, Judge.

A P P E A R A N C E S:

JOHNATHAN DANIELS
Pro Se

DANIEL E. PEAGLER
ESQ.
Attorney for the Defendant

Transcribed by Pamela E. Green, from DCRP, Digital Courtroom Recorder Project

I N D E X

(WHEREUPON, there were no exhibits marked or testimony taken during this hearing.)

P R O C E E D I N G S

THE COURT: All right. We're here on 2021-CP-32-3639, Johnathan Daniels versus the City of Cayce.

Are you Johnathan Daniels?

MR. DANIELS: I am, Your Honor.

(WHEREUPON, Mr. Daniels was placed under oath at this time.)

THE COURT: Okay. And, Mr. Peagler, you're here representing the City of Cayce.

Is that right?

MR. PEAGLER: That's correct, Your Honor.

THE COURT: Okay. And this is Mr. Daniels' appeal.

Is that correct?

MR. PEAGLER: That's correct, Your Honor.

THE COURT: Okay. All right. Mr. Daniels.

MR. DANIELS: Okay. Your Honor, I, I haven't done this kind of thing before. So, if you would forgive me any -- okay. I'll just present what I have.

All right. So I entered a guilty plea in this case.

THE COURT: Okay. What were you charged with?

MR. DANIELS: Charged with speeding.

THE COURT: Okay.

MR. DANIELS: 61 in a 45.

THE COURT: All right.

MR. DANIELS: No driver's license and no vehicle registration.

THE COURT: Okay. And did you plead guilty or did you go to trial?

MR. DANIELS: All right. I showed up for trial.

THE COURT: Okay.

MR. DANIELS: And, at trial, I ended up taking a guilty plea but---

THE COURT: Okay. Did you plead to all those charges?

MR. DANIELS: Speeding and no South Carolina driver's license.

THE COURT: Okay. And then you filed an appeal from that?

MR. DANIELS: Yes, I did.

THE COURT: All right. So what's the basis for your appeal?

MR. DANIELS: Okay. So, the, the plea that I entered wasn't voluntary or---

THE COURT: Okay.

MR. DANIELS: ---or knowing and a lot of things occurred that day that I don't know if it would be misconduct or whatever. But I feel like the situation was manipulated to force me to take a plea.

THE COURT: Okay. Explain to me why the free wasn't -- the plea wasn't voluntary in your opinion.

MR. DANIELS: Okay. Well, the judge---

THE COURT: Who---

MR. DANIELS: ---he told---

THE COURT: Who was the judge?

MR. DANIELS: Bryan Jeffries --

THE COURT: Okay.

MR. DANIELS: -- of City of Cayce.

Okay. And so I have a transcript here that was made from the audio --

THE COURT: Sure.

MR. DANIELS: -- that was recorded that day. The judge misquote -- he, he misstated that he would sentence -- he could sentence me to jail time for this speeding ticket.

THE COURT: Okay.

MR. DANIELS: Now, the South -- the, the driver's license and the registration ticket -- tickets, those two I was willing to take before the jury because I believe I had a valid defense for that.

The speeding ticket though, I, I knew that -- I mean I, I was speeding. I was guilty of that. So that one I would have taken a plea to it had -- excuse me. I would -- I would not have -- I would not have taken a plea to it had I known that I would not have gotten jail time or could not get jail time. He told me that he could give me 30 day -- up to 30 days for that. And so that pressured me to, to

enter the plea, right.

THE COURT: Okay.

MR. DANIELS: So, the inaccurate maximum penalties that the judge stated to me, I considered -- they pressured me as, as tantamount to a threat and it did work to coerce, to coerce me into pleading guilty for that.

Also the, the re -- you know, notification of rights, none of this was done. He asked me two questions, if I was -- if I felt like anyone forced me to take a plea. And so no one forced me to take a plea. But the circumstances forced me to take a plea and I'll elaborate on that more in a second.

But -- so, you know, I, I learned all this after the fact. After I took the plea I went home and read up some things and I realized that.

I had intended to appeal because I felt like what was done there wasn't right. But apparently I had waived the, the right to an appeal by taking a plea and no one ever told me any of this. And you'll see in the, the writings I submitted to the Court, there's a plethora of rights that I didn't know, you know, what of -- could affect the outcome of the, the case had I taken it to trial and I was notified of none of those.

Let's see here.

All right. So, actually, Your Honor, the, the driver's

license charge and the registration charge, those charges, under the circumstances, were actually being brought, in my opinion, unconstitutionally and I would of taken that before the jury. And if, if you wanted me to, I could elaborate more on that as to why that would be the case. But, in my opinion, the charges should not have been brought.

There was no review of evidence that the prosecutor would have introduced. I see Judge Jeffries responded that no evidence was submitted because no trial took place. But I had submitted, through motions and various requests to both Mr. Peagler and the Court, and presented them with information regarding my religious practices, the accommodations that had been previously given to me by the State.

Richland County judges and prosecutors nolle pros several -- I mean and I, I have it here in the writings. It's in the record and also identified here in the records I submitted to this Court. Those, those, those cases -- those charges rather have been nolle pros as a religious accommodation for years going back five years.

The Court in Cayce didn't take notice of that. Mr. Peagler didn't. The case went forward to the date of trial.

I was never asked about those charges. I was never asked about whether or not I was guilty. I was never asked to admit any factual allegations related to the, to the

charges. I was taken to -- okay. So -- and, and these two go together.

If you look at the transcript I presented to the Court -- to this Court, at the beginning of the transcript, the beginning of the audio submitted to me by the Clerk of Court for the City of Cayce, I don't know exactly what this is, if it's just some misconduct or if it's something criminal or whatever. But at Lines 2 and 3 on Page 3, what -- no, no guilty plea had been discussed between Mr. Peagler and myself. There was no guilty plea on the table. There was no discussions. I showed up ready for trial.

All right. I thought that I would be found guilty for speeding but that the other two charges would be -- I would be found not guilty and you can see where the, the, the judge said well, I can't enter in a guilty plea with them in here now.

Now, with them in here, there was only us, the clerks, the judge, and the jury. I don't know why he would consider entering a guilty plea with them in here but he can't do it with them in here. I was -- the clerk then said what do you want to do. The judge pauses for a long time and then he says all right, dah, dah, dah, dah, dah. He took -- a few lines later you can see, at Line 11 -- 10, 11, 12, I didn't ask to go outside. Mr. Peagler didn't ask to go outside. The judge asked us to go outside.

Once we were outside, there was an insistent pressure, in my opinion, from the judge that I negotiate with Mr. Plea -- Mr. Peagler. In fact, me and Mr. Peagler, we couldn't reach an agreement on the South Carolina driver's license charge or the no registration charge. I went back several times -- I won't say several. I went back more than twice and let the judge know that we -- we're not meeting -- we're not meeting an agreement and we would go have trial.

I kept getting sent back to Mr. Peagler. This all happened outside of the courtroom in a -- I guess it's a break room that they had there.

I felt, especially with him stating that he would give -- he could give me jail time for the speeding charge, I felt like they're setting me up to make sure I go to jail today and I felt pressured to take the plea which included no jail time. But that was only because I couldn't get into the -- to the courtroom to start a trial. I wanted, I wanted to. I asked him once or twice that I, you know, wanted to go in. And, and, for some reason, this all occurred -- you'll see at Line 21 on Page 3 when the clerk -- all right. So at 20 the judge says he's not comfortable talking in front of them. Let me go outside. Everyone -- the clerk says everyone, we're gonna go outside for just one moment. Please rise. The clerk then asked on the record or off-the-record. The judge responded on the

record.

But those conversations that I'm telling you about where he misquoted the, the sentencing guidelines or in terms of punishments that could be given to me, the insistent that I go back and forth to talk with Mr. Peagler, those things are not on the record. Apparently they were not recorded or whatever and the next thing that is recorded is a plea agreement.

But, at that point, I'd already been, in my opinion, unfairly and unduly pressured into making the plea and taking the plea with the prosecution.

I'm sorry. I, I don't want to be longward (phonetic). I do have a few others that I'd like to put on the record though.

THE COURT: It's your appeal. So --

MR. DANIELS: All right.

THE COURT: -- keep going.

MR. DANIELS: All right. So I -- the -- now this transcript that I got, in fact, I didn't, I didn't know what was on the audio. I got the audio at the beginning of September or the, the end of August, this, this August.

So I, I had a feeling that something was going on and I was being manipulated into taking a plea when I filed the plea to this Court. Later, upon reviewing the record and the transcript, I see that it looks to me like it was

intentionally done.

All right. So, for some reason I couldn't -- I, I, I asked the -- twice, like I said, to get in to -- I just wanted to start the trial because I, I just felt like it wasn't gonna change the outcome. I'd be guilty of the speeding, pay the ticket, and be found not guilty of the other two charges as they're regulatory in nature and the State had already accommodated me.

But I couldn't get it -- I couldn't get back in the courtroom. We stayed in that break room the whole time and, in my opinion, improper conversations happened and undue pressure to take a plea was given to me.

And I mentioned to you already, at Item 7 in the notice of appeal given to this Court, that the, the State, in particular Richland County, South Carolina Highway Patrol, and a couple other agencies, City of Columbia, University of South Carolina police, they had all nolle, nolle pros charges once I presented to them the defense allowed under South Carolina Section 1 Chapter 32, which is a religious freedom -- the Religious Freedom Act and I didn't feel like the charges should of been brought due to a collateral estoppel or essentially double jeopardy because those charges had been dropped by the State on---

THE COURT: What, what---

MR. DANIELS: ---previous occasions.

THE COURT: ---other people do to you has no effect on what the City of Cayce does.

MR. DANIELS: Okay. I, I -- I'm---

THE COURT: So I mean that, that---

MR. DANIELS: I'll accept what you're saying, Your Honor.

THE COURT: ---that, that -- that's not the, the, the tree to send the dog up.

MR. DANIELS: Okay. Okay. Well, I just wanted, I just wanted to---

THE COURT: The fact that some prosecutor or some agency somewhere dismissed a case against you or nolle prossed it doesn't mean -- doesn't bind any future prosecutorial agencies from not going forward on a separate set of charges from a separate incident date. It wouldn't bind them from charges from the same incident date in the same jurisdiction. But a different incident date, different jurisdiction, they're not bound by whatever the City of Columbia or USC or anybody else did.

MR. DANIELS: Okay, Your Honor.

Now, out of respect for the Court, I'll just say that -- and then I'm, I'm probably ignorant on it. But I do need to have this on the record in case I need to go higher. So, I'll say that I, I respectfully disagree with that. I was under the assumption and presumption that, because the

State had done that, that I was -- I would be accommodated as well in the future.

THE COURT: That's why you should have a lawyer.

MR. DANIELS: Yeah. And that, that may be a mistake as well, Your Honor.

THE COURT: So I'm not even sure that issue's preserved for this appeal because you pled guilty.

MR. DANIELS: And, and that may be something that may---

THE COURT: Right.

MR. DANIELS: ---need to be looked at. I don't know for certain, Your Honor.

At Item 8, I, I requested discovery at the, at the start of the case in a motion to compel I submitted to the Cayce Court.

I see at Item 8 in the judge's return, he said he ruled on the motion and required the prosecution to turn over all evidence to be used in the case in chief and any exculpatory evidence and that is an incorrect statement. He outright denied the motion and the State wasn't ordered to give me anything other than when it had -- what had, excuse me, what it had already given me. On September 11th I ended up filing a motion to reconsider and a notice of objection to the denial of the motion to compel.

So that's just an incorrect statement. There -- it, it

was not granted in any way, not partially granted, and I did object at that time as well as it be in the motion for reconsideration.

And, lastly, Your Honor, from the first hearing, Officer Garman called me, quote unquote, and I, I don't know if I can say this in court, but he said you're a damn sovereign citizen and I know what a sovereign citizen is and I'm not a sovereign citizen, Your Honor. Officer Garman called me a sovereign citizen in court. Mr. Peagler called me a sovereign citizen in court.

All right. I, I feel like me being labeled that way and, you know, in open court, none of my arguments have been -- I mean -- and, and I'm -- I feel like I'm certainly reasonable and right in what the law allows. Maybe some people don't like the outcome of what the law allows. But that shouldn't allow them to dictate or to deny me a day in court to have these things heard and finalized.

THE COURT: I agree with you.

MR. DANIELS: All right. And so, because, because of the labeling, I haven't been able to effectively present to -- I don't know that the judge's have been taking it seriously or Mr. Peagler. Section -- South Carolina, South Carolina's, and I'll do this very quickly, one, one and a half minutes.

THE COURT: It's you -- I'm not asking you---

MR. DANIELS: Okay.

THE COURT: ---to rush. I'm not---

MR. DANIELS: All right, Your Honor.

THE COURT: ---telling you to rush. I want you to present whatever you feel you need to present. I've said that before. I'm saying -- I mean I'm sitting, I'm sitting here listening to you. So --.

MR. DANIELS: Okay, Your Honor.

THE COURT: Don't, don't -- there's no time constraint on you. So I don't want you to feel like there is. I'm not putting one on you. I'm not motioning for you to hurry up. I'm sitting here patiently listening and paying attention to what you believe your issues are.

MR. DANIELS: Okay. And I appreciate that, Your Honor.

So, start, you know, in 2017, I found out what I believed to be a disagreement between my religious beliefs and practices and some of the practices of the state.

THE COURT: Okay.

MR. DANIELS: All right. So those other, other charges in other jurisdictions, I made those things known to those courts and to those prosecutors and they, they -- no one wrote anything down. But the charges were nolle prossing. In many cases I was due for trial the next day.

The case -- the, the charges are nolle prossed the day before Court, an apology was given, and I'd leave. South

Carolina Section 132 -- and give me one second.

(Pause.)

MR. DANIELS: All right. The Religious Freedom Act and I have, I have a copy of it if -- I don't know if you have it pulled up there or you can or whatever.

But the purposes of the chapter are to restore the compelling interest test set forth in Wisconsin and Yoder, Sherbert and Wen -- Sherbert versus Verner to guarantee that the -- a test of compelling state interest will be imposed on all state and local laws and ordinances in all cases in which the free exercise of religion is substantially burdened.

I, I previously notified the State. I notified Mr. Peagler, notified the Court that my religion was -- my religious beliefs and practice, which are sincerely held, were being substantially burdened.

Now, Section 1-32-40, restriction on the state's ability to burden exercise of religion, the State may not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability, that's important I think, unless the State demonstrates that application of the burden to the person is in furthering of a, of a compelling state interest, which I can see regulation of use of the roads and highways is a compelling state interest, and that, Item 2, and it's important, the

burden to the person must be the least restrictive means of furthering that compelling state interest. And that goes to Section 60 where it says basically giving and allow -- giving or allowing an exemption under this statute is not against the law.

I do just want to point out two exemptions that are important and are far less restrictive then denying, excuse me, requiring vehicle registration outright or South Carolina's driver's license outright. At 56 -- at South Carolina 56-1-30, Item 3, which I don't know if I have the -- I apologize. I might be a little disorganized and disheveled here.

So I don't know if the Court has access to that.

THE COURT: I do. I do.

MR. DANIELS: You say you do?

Okay. 56-1-30 at Item 3, if a person outside of the state moves into the state and they come from a, a, a place that did not require -- did not require licensing of operators or drivers, that person can come into South Carolina and drive unlicensed, unabated by law enforcement for up to 90 days in a calendar year.

Okay. That's just assuming -- they, they need to have their vehicle registered, registered where they came from but they can operate without a license in South Carolina. At 56---

THE COURT: For so many days.

MR. DANIELS: For 90 days.

THE COURT: Right.

MR. DANIELS: All right. And so at 56-3-180, there are exemptions for vehicle registrations, office of permits from the, from the South Carolina Department of Motor Vehicles and I felt that that is much less restrictive than requiring me, with a religious objection, to put my, my objection aside and register a vehicle.

Now, it's important, I felt, at 56 -- no where, no where in these statutes is there a procedural process for applying or, you know, where the prosecution say -- could say well, you had 60 days to do it and you didn't do it. You had six months to do it and you didn't do it. I've, I've contacted the V -- the DMV at the start of this case as well as more recently and more, more vigorously to try to get some resolution before this appeal was heard and they're dragging their feet telling me that they needed more information. I have emails and things. I, I could pull it up on my phone but I have contacted them and they have responded back.

They told me that they'd need -- they need more time to research the law to see if they would give the exemption.

All right. So, that's, that's my basis. I, I feel like those -- the two charges, the driver's license and the

registration charge, are improperly brought, brought because they're not the least restrictive means of regulation on the matter and they would fail, constitutionality, both state and federal, and also would violate section -- South Carolina Section 132.

And what I'm, what I'm asking, Your Honor -- I wasn't aware at the time that I submitted this appeal to this Court that I might not be getting fair treatment in Cayce. I thought that some of those mistakes were made out of ignorance.

But after listening to the audio, and reviewing the transcript, I, I -- if you were to remand the case, I don't know if you would, I would think that maybe a change of venue would be in order or maybe something could be done here. I don't know about today. Maybe some time in the future, maybe today. I just -- I need a fair day in court and I need a judge and a prosecutor that's actually listening to what I'm saying.

So, I don't know that I'm getting that there. Those are all of the items that I complained about in terms of requesting an appeal before this Court.

THE COURT: Okay. All right. Thank you.

Yes, sir.

MR. PEAGLER: May it please the Court.

Your Honor, I think, as far as the appeal on the guilty

plea, I think---

THE COURT: What did he plead to?

MR. PEAGLER: He pled guilty and it's in the transcript.

Do you have a copy of it?

THE COURT: Not with me.

MR. PEAGLER: I've got -- if you'd like, here's an extra copy, Your Honor.

THE COURT: Okay.

MR. PEAGLER: It outlines the actual guilty plea. He was charged with the speeding, no South Carolina driver's license, and also failure to register his vehicle.

THE COURT: Okay.

MR. PEAGLER: We've gone through numerous motions. I, I didn't call him a sovereign citizen but, in the arguments in the Court, I often said that these arguments are like the sovereign citizen type arguments where he says that the law doesn't apply to him for whatever reason. So, that's where the sovereign citizen stuff comes in and I think that's accurate.

But if we look at the, the plea agreement, it's on I believe page -- all right. On Page 5 and -- well, actually it starts I think on Page 3.

What we did was we reduced the speeding to a minimum fine. I think we nolle prossed the failure to register and

he would plead guilty to the no SCDL and pay the fine on that. We would allow him 30 days.

Furthermore, he had two other pending charges in Cayce. One for no SCDL and another one for a failure to register on the same vehicle I believe. And, on those charges, I said that if he remedied the situation before those came back up, in other words if he either got his license or if he got this pass from the DMV, that I would nolle pros those if he got those. And, as far as his vehicle, I told him, and this is in the transcript, that if he either disposed of the vehicle or got it registered, we'd drop those. Those are the pending charges.

So, after that, we go to Page 5 of the transcript and I think this is it and, and I reiterate about that. And then it -- the judge said so, Mr. Daniels, is that what you and Mr. Peagler agreed to?

Yes. But I don't know if I get a chance on the record to say anything other than yes.

He said the first thing we have to do is see if you're entering this guilty plea and then, after that, I'll tell you that I'm accepting it. I'm also accepting the recommendation. But then you have another opportunity to tell me anything else you want to tell me in mitigation. But you will have already entered the guilty plea.

So then he reiterates the charge. The defendant, on

Line 7, Page 6, says I plead guilty to those.

The next line. Has anyone threatened you or coerced you in any way to get you to plead guilty?

Defendant. No. Just circumstances are tough, you know. But no one, no one in particular threatened me or said anything.

Are you today under the influence of drugs or anything that would affect your ability to understand what's going on?

No, I'm not.

I will accept the guilty plea.

So he says that. When he talks about his rights, the judge often read his rights. He also covers that in his return.

We were prepared to go forward with the jury trial. Mr. Daniels, we'd been in court several times on different motions on this case. We had answered his full Rule 5 request with all of the pertinent information on the charge.

There was some -- also some extraneous information that he had requested that did -- had no bearing on the actual charge itself. That stuff was denied and we didn't have easy access to it either, the stuff that he was asking for.

Mr. Daniels has said that he feels that we've placed an undue burden on him because of his religious affiliations. He's never demonstrated what that burden actually is.

My stance is, if, if you're in Cayce, and the law requires you to have your vehicle registered, you need to have your vehicle registered. If the law requires you to have a driver's license, you need to have that and we'll continue to enforce those laws.

THE COURT: Well, what, what -- he says that -- what about this whole 30 days on a speeding ticket?

MR. PEAGLER: The judge answers that in his return also and he said that he accurately and my recollection was he did say he could get 30 days or the fine on the no SCDL and the no registration and the fine amount on the speeding ticket.

THE COURT: Okay. I thought you could go to jail for 30 days on the speeding ticket.

MR. PEAGLER: I don't believe so.

THE COURT: Oh, you can't?

MR. PEAGLER: Not on that ticket. It was a four point ticket.

THE COURT: Okay.

MR. PEAGLER: If it's a six point or higher speeding amount, then it's my understanding you can.

THE COURT: Okay. And when does he advise him of his right to remain silent and his right to confront the witnesses and all that kind of stuff?

MR. PEAGLER: Now that had been done several times.

He's -- he did not, I don't believe, specifically do that in the transcript that I read.

THE COURT: Okay. It's not in the transcript.

MR. PEAGLER: But he had, he had actually exercised his right for a jury trial. We were prepared. We had a jury impaneled.

When he talks about the little room, the problem is if something goes askew with the guilty plea and you do it in front of the jurors that are seated --

THE COURT: I understand that.

MR. PEAGLER: -- then we can't go forward. So there's a break room. This is during COVID and we had to have the trial in a larger room. So we had it in council chambers. We don't have a judge's chamber or a jury room there. So we go into the little break room where it's---

THE COURT: My question is---

MR. PEAGLER: ---on the record.

THE COURT: ---when did he get advised of his right to remain silent, right to a jury trial, right to confront and cross-examine the witnesses the State would call against him?

MR. PEAGLER: Unless the return addresses that, I can't answer that specifically, Your Honor.

THE COURT: Do you have a copy of the return?

MR. PEAGLER: I do. I believe the judge -- I advised

the defendant on a number of occasions of his right to a jury trial, a bench trial, an attorney. He had previously requested a jury trial and the jury was assembled and trial was to go forward the morning of the guilty plea. That's his response and I can hand that up to you, Your Honor.

MR. DANIELS: Your Honor, the -- well --.

THE COURT: Hold on. Hold on. Hold on.

MR. DANIELS: Okay.

THE COURT: I'm gonna let you speak again. I promise.

MR. DANIELS: Okay.

THE COURT: Just give me a second.

MR. PEAGLER: And I, I don't have the specifics. But our, our -- judge, often when people decide to go forward pro se, he will also typically tell them that, you know, they're responsible to know the, the rules, the -- how things work as if they were a lawyer and he advises them that it -- he basically says -- recommends them to have an attorney represent them.

(Pause.)

THE COURT: Okay. What else?

MR. PEAGLER: I don't, I don't know how to respond to anything else other than what I've said, Your Honor. I, I---

THE COURT: Okay.

MR. PEAGLER: ---I don't believe that the religious

exemption is a valid excuse not to register or have a driver's license in our state.

THE COURT: Okay. All right. Now you may talk---

MR. DANIELS: Okay.

THE COURT: ---if you'd like to.

MR. DANIELS: Thank you, Your Honor.

All right. So the -- you know, he remembers that one way as far as the jail time for the speeding ticket. I'm, I'm certain, because that's what pressured me at -- if, if jail time wasn't involved, paying fine's not an issue. The other two charges, even if I'm in error about it, I was confident about those. So I would of -- I'm, I'm now taking a plea under those circumstances.

No where in the record -- I don't know why the audio is not recorded, those conversations. But I -- 30 days was told to me for the speeding.

As far as informing me of my rights -- all right. So, the right to a jury trial, that was stated. The right to a bench trial, that was stated. Right to an attorney, that was stated not on that day. At other hearings earlier in the case it, it was stated.

But the -- I mean there's a lot to know and I looked later. I could see that there's a recommendation. I don't know if it's a rule for judges or recommendation or how strict that's to be followed.

I can read and I can speak well. But as attorneys, those that are attorneys here, and my little studies of the law, being intelligent doesn't mean that you know the law in terms of these things that I'm come -- I'm complaining about.

The right to a trial I knew and I was trying to get to. The, the jury's verdict needing to be unanimous, I didn't know that.

That I would be admitting all matters of fact in the accusation, did not know that. In fact, like I said, I may be unintelligently or unreasonably and -- due to my ignorance, I felt like I could appeal what was going on with this guilty plea, that pressuring, the misstating of sent -- of sentencing guidelines and that kind of thing. I thought I could go to a higher court and get that stuff corrected even though I took the plea on this date.

That I was giving up objections to charges, no way because I had objections that I had preserved on the record that I did intend to have argued at a higher court. The citing of accurate -- the maximum penalties, at the time I didn't know that the jail -- that the, the threat of jail -- going to jail for the speeding ticket was inaccurate. I thought that the judge knew what he was talking about.

And I would keep in -- keep in mind please that this is not stuff that I thought about six months later that I wrote

in this appeal. This is three days later. I, I, I knew that these things happened. From just memory I knew that they happen. Wrote this all down, submitted it to this court, and then I just got the transcript early this month that demonstrates what I'm talking about.

You know, if a judge calls you out -- to come outside and negotiate, you go negotiate or, you know, have you, have you reached any agreement. No. I want to go to trial. Well, won't you talk to him and negotiate and see.

All right. I go and negotiate. Didn't reach an agreement. I come back and say Your Honor, we're unable to reach an agreement. Let's have trial. Some talk goes on and somehow I'm being sent back out to negotiate and then the threat of jail time. They got me in the closet.

Under these circumstances, I felt like I'm being set up to, to be sent to jail because I'm a sovereign citizen labeled. So -- and although those recordings -- because the clerk told me that they don't have those because they only keep those audio files for 60 days, there's never been any rebuttable. You know, Officer Garman has called me sovereign citizen. Mr. Peagler, today he said that, you know, a certain -- my argument is similar to that by so -- no.

Every time I talk to him outside the courtroom, he told -- and he even told me and I, I wrote it here just a

few days after the trial date that he has not been reading my writings because I'm a sovereign citizen. He said this to me to my face. He also said -- the audio's gone because it was a hearing that occurred earlier in the proceedings.

But, in Court, I, I filed I believe it was a motion to, a motion to quash charges and he, he hadn't read it. He showed up that day. I said, you know, he asked me if I was, if I was gonna plead to some, some charges that -- and I said no and you obviously haven't read what I submitted to you.

He said well, I'm, I'm gonna read it now. He thumbs through in about 30 seconds and tells Your Honor well, these are basic sovereign citizen arguments. Looks like he's downloaded these from online. That's what he said. That, that was on the record. The audio's gone but I, I told him no, I wrote that myself and it's got nothing to do with sovereign citizenship. It has to do with my religion.

I'm just saying I, I don't think -- I feel like I been denied access to the court. The prosecutor doesn't listen to what I'm saying. The judge doesn't read what I'm saying -- read the papers I submit or listen to what I'm saying. I try to go to trial and somehow I get manipulated out of getting in front of the jury to say what I got to say. I just feel like -- there's undue pressure and I did -- I, I don't feel like it's a knowing and voluntarily

plea is what I'm saying, Your Honor.

THE COURT: Okay. All right. Anything else?

MR. PEAGLER: Yes, Your Honor.

In the plea agreement he gets a reduction in fines. He gets a charge reduced. He gets the other charges reduced if he remedies the problems. He willingly wanted to take that plea that day and he said so in the plea and he accepted that plea agreement.

In all of the other hearings before I did say I -- these are similar to the sovereign citizen. The sovereign citizen arguments that I've dealt with over the years have always been the law doesn't apply to me.

Now, those are basically because of the tax structure and, and other independent type things. But his basic argument is that law doesn't apply to me. That law doesn't apply to me because of religious exemption because the Constitution says you can't pass a law that burdens my religion.

He never has outlined what burden it is on his religion or his religious beliefs that would mean he doesn't have to get his car registered or he doesn't have to get his license done.

We had a trial ready to go that morning. If he'd of said I want to go to trial, we'd of gone to trial. We had the jurors ready. Everything was in place to go. That was

the day he took the plea. I don't think I've disparaged him. If I do, I will apologize now. But I do believe that the law applies to everybody evenly.

THE COURT: Okay.

MR. PEAGLER: Thank you.

THE COURT: All right. I'll let y'all know my decision early next week.

MR. PEAGLER: Thank you, Your Honor.

THE COURT: Thank you very much.

MR. DANIELS: Thank you, Your Honor.

(WHEREUPON, the audio was turned off and turned back on for the next part.)

MR. DANIELS: He said that I have not outlined, I have extensively outlined and if you -- I don't know if you -- your -- I don't know your procedure for reviewing the record. But when you look through, you're gonna see I've ex -- I've quoted the Scripture, stated the problem that I had with it at -- on more than one occasion and it -- you -- when you read it, you'll see there's no lack of explanation. I -- I've over explained it.

THE COURT: All right. Thank you very much.

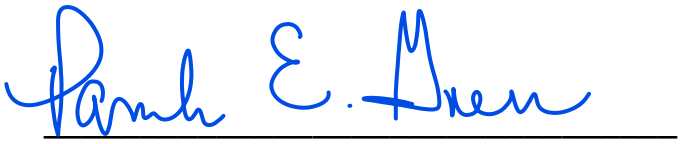
* * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas Nonjury for Lexington County, South Carolina, on the 22nd day of September, 2022.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

December 16th, 2022



PAMELA E. GREEN, Court Reporter

RECEIVED
Nov 16 2022
S.C. SUPREME COURT

From: J Snickette
To: Supreme Court Filings
Cc: Ernie Peagler
Subject: Notice of Appeal For Filing
Date: Wednesday, November 16, 2022 10:18:42 AM
Attachments: Appeal SC Int.pdf
AP SC Proof of Service.pdf

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

The Honorable Patricia A. Howard
Clerk, Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

RE: State, City of Cayce, Respondent, v. Johnathan M. Daniels, Appellant,
Case No. 20210370007763-20210370007764

Dear Ms. Howard:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

(1) Notice of Appeal.

(2) Proof of service of the notice of appeal on the respondent.

(3) Appeal is being filed without a copy of the order that is to be challenged, because no written order issued from the court.

(4) A filing fee of $0.00 for this criminal appeal.

(5) This appeal is being filed with the Supreme Court because such filing is proper under South Carolina Section 14-3-330 (2)(a).

Sincerely,

Johnathan M. Daniels, Appellant, Pro Per

P.O. Box 30651
Columbia, South Carolina 29230
Phone: (803) 770-8863
Email: chesssetbyj@yahoo.com

CC:

Daniel E. Peagler
Prosecutor, City of Cayce
3975 Southeastern Way
West Columbia, SC 29169
Phone: (803) 814-0550
Email: epeagler@johnsonsclaw.com
Attorney for Respondent

Re: Second Request for Religious Accommodation

From: J Snickette (chesssetbyj@yahoo.com)

To: kevin.shwedo@scdmv.net; brandy.duncan@scdmv.net

Date: Friday, December 8, 2023 at 02:33 PM EST

ATTENTION: This communication concerns a time sensitive legal matter. Please respond within 14 days.

Hello Director Shwedo,

I have previously contacted Your office to request a religious accommodation, which was denied. In My opinion, the denial was incompatible with the Constitution's free exercise requirements. Again, I am asking that the SCDMV accommodate Me by allowing My proper name (with proper case and capitalization) to be placed on My state drivers license and vehicle registration, or that I be exempted from the requirement to use a drivers license and registration.

I have included the basis for My legal position on this matter below. I am requesting accommodation ASAP, as due to SCDMV's prior refusal to accommodate My religious practices, I have been denied access to the state's roads for years already.

Please see the following:

I am challenging SCDMV's denial of My previous Request For Accommodation and demanding explanation of the SCDMV's right to deny My request. SCDMV's legal department has previously responded inadequately, denying My requests without addressing any legal issues I presented, instead offering juvenile attempts at shaming Me.

The requirements of the state and federal constitutions, and South Carolina § 1-32 demand that SCDMV, as an agency of the state, provide Me religious accommodation or "demonstrate" that its denial, and resulting substantial burden, are (1) in furtherance of a compelling state interest; and (2) the least restrictive means of furthering that compelling state interest.

Over the last 4 years, I have given multiple written notices to SCDMV regarding My religious beliefs. Specifically, My religious beliefs and practices prohibit My using a state drivers license and vehicle registration in standard form, with the name appearing in ALL CAPS. I have previously detailed My religious beliefs and the laws which allow Me to be accommodated and exempted by SCDMV (i.e. to have My proper name placed on SCDMV documents or, alternatively, that I be excused from the requirement to use a drivers license and registration). The SCDMV's previous denials have burdened Me severely, and caused multiple state agency prosecutors to pursue litigation against Me, hoping to fine and imprison Me

for acting on My religious beliefs which require that I cannot use a state drivers license and vehicle registration with an ALL CAPS NAME.

Due to multiple violations of My First Amendments rights to freedom of religion, freedom of speech, freedom of liberty, and other protected rights, I have been banned, under threat of arrest, from use of the public roads for approximately 4 years. Due to these unlawful travel restrictions, I have lost My previous job and I have been unable to accept job offers in various areas throughout the state. The consistent citations, prosecution, violations of My protected rights and threats of arrest are a very substantial burdens to My free exercise of religion, and a completely unlawful restriction of My liberty and the use of My property.

Federally and Constitutionally speaking, because of My particular religious beliefs and the fact that the laws in question are not generally applicable, My religious accommodation demand bypasses the neutrality and general applicability requirements established in *Smith*, subjecting the laws in question to strict scrutiny; See South Carolina §§ 56-1-20 and 56-3-110, which are exempted by South Carolina §§ 56-1-30(3), 56-3-120(1) and 56-3-180. See *Employment Div., Dept. of Human Resources of Ore. v. Smith*, 494 U. S. The SCDMV's burdening of My free exercise of religion, along with the restriction of My liberty and property rights constitutes the basis of a hybrid rights claim, again bypassing *Smith*, and subjecting the laws to strict scrutiny.

And lastly, by plain reading, South Carolina § 1-32 demands strict scrutiny under a compelling interest test to ALL state laws, and intentionally bypasses the neutrality and general applicability requirements of *Smith*.

I have previously challenged My being denied religious accommodation by SCDMV, under South Carolina § 1-32 and Constitutional challenges, and SCDMV has failed or refused to respond as legally required. At this point, I consider SCDMV's response waived or legally insufficient.

FYI, I am not a "sovereign citizen", as I have been so oft accused to be by various state officers and officials, but a religious adherent and law abiding citizen. Rather than accept My sincerely held religious beliefs and claims, SCDMV's General Counsel sent Me a shaming letter, which offered nothing but insult and rejection without a legal basis for doing so.

Examining the legal landscape and circumstances under which SCDMV is acting unlawfully, the law requires that:

1. Regardless of SCDMV's opinion of My sincerely held beliefs and practices, government may neither compel affirmation of a repugnant belief, *Torcaso v. Watkins,* 367 U. S. 488; nor penalize or discriminate against individuals or groups because they hold religious views abhorrent to the authorities, *Fowler v. Rhode Island,* 345 U. S. 67; courts cannot examine the truth or falsity of religious beliefs, *United States v. Ballard*, 322 U.S. 78 (1944).

2. ("[I]t is not within the judicial function and judicial competence to inquire whether" someone who has religious qualms with a law has "correctly perceived the commands of [his] faith."). *Thomas v. Review Bd. of Ind. Emp't Sec. Div.*, 450 U.S. 707, 716 (1981). The adherent alone defines the tenets of his or her religious observance. Courts may determine only the sincerity of religious beliefs, not their validity. Even religious beliefs that some reasonable observers would view as implausible are entitled to protection if sincerely held. *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 724 (2014). The Court has repeatedly emphasized, the reasonableness or truth of religious belief is beyond the competence and purview of the courts. *Id.* at 724.

3. Where a religious objector believes that performing an act will violate his or her religious beliefs, and that belief is sincerely held, courts must accept the objector's belief. *Hobby Lobby*, 573 U.S. at 686; see also *New Doe Child #1 v. Congress of the U.S.*, 891 F.3d 578, 586-587 (6th Cir. 2018).

4. Substantial burden on an objector's religious exercise is evaluated on the basis of the objector's own sincerely held religious belief. *Hobby Lobby*, 573 U.S. at 682, 724. ("Repeatedly and in many different contexts, we have warned that courts must not presume to determine … the plausibility of a religious claim.") *Id.*

5. A religious believer's exercise of religion is substantially burdened if the law presents the believer with the choice of either violating his or her religious beliefs or suffering a substantial penalty. *Hobby Lobby*, 573 U.S. at 726; see also *Holt v. Hobbs*, 574 U.S. 352, 361 (2015).

6. My beliefs are sincerely held, and I have possessed the beliefs for years. Because of SCDMV's unlawful application of these laws against Me, and the resulting persistent prosecution by other state agencies, I am clearly faced with the choice of (a) maintaining My religious beliefs, refusing to obtain a state license and registration with the name in ALL CAPS, resulting in Me being banned from any and all use of the state's public roads under the threat of substantial penalties of jail time and/or fines, OR (b) I could choose to violate My religious beliefs, and obtain the standard state documents with the name in ALL CAPS, in order to use the roads without by state imposed penalty or punishment.

7. Given My sincere religious belief that My obtaining a state drivers license and vehicle registration will violate My religious beliefs, and My accompanying claims of state-imposed substantial burden, I have proven beyond any reasonable doubt, that SCDMV has caused Me to suffer a substantial burden to My free exercise of religion. This burden results from the SCDMV's application of the laws imposing the state's driver's license and vehicle registration requirements on Me, with no accommodation for My religious beliefs, while simultaneously and completely forbidding My use of the public roads until I act in contradiction to My religious conscious and obtain a state drivers license and vehicle registration.

8. South Carolina § 1-32 reads in part, "The State may not substantially burden a person's exercise of religion, even if the burden results from a rule of general applicability, unless the State demonstrates that application of the burden to the person is: (1) in furtherance of a compelling state interest; and (2) the least restrictive means of furthering that compelling state interest." [Underline added].

9. The compelling interest test imposed by South Carolina § 1-32 bypasses *Smith*'s neutrality and general applicability barriers to strict scrutiny, and the statute says so in the plain reading of its text. See *Employment Div., Dept. of Human Resources of Ore. v. Smith*, 494 U. S. 872.

10. My state and federal Constitutional claims of substantial religious burden, right to liberty, and right to property constitute a hybrid rights claim, and the laws challenged, South Carolina §§ 56-1-20 and 56-3-110, are not generally applicable; offering secular exemptions to licensing at § 56-1-30(3) and secular exemptions to registration at §§ 56-3-120(1) and 56-3-180. This means that, Constitutionally speaking, the statutes are not protected by *Smith*'s neutrality and general applicability barriers to strict scrutiny, and must be analyzed under strict scrutiny. See *Employment Div., Dept. of Human Resources of Ore. v. Smith*, 494 U. S. 872.

11. If a state creates a mechanism for individual exemptions, "its refusal to extend an exemption to an instance of religious hardship suggests a discriminatory intent. Thus, as was urged in *Thomas,* for a state agency to determine that a request for religious exemption is less important than a comparable secular request tends to exhibit hostility, not neutrality, towards religion. *Thomas v. Review Board of Indiana Employment Security Div.,* O.T. 1979, No. 79-952. *See also Sherbert, supra,* at 374 U. S. 401-402, n. 4; *United States v. Lee,* 455 U.S. at 455 U. S. 264, n. 3

12. Governmental preference cannot be given to secular conduct and purposes, which is subsequently denied to religiously motivated conduct and purpose. Doing so inevitably deters or discourages the exercise of First Amendment rights of religious freedom, and thereby threatens to "produce a result which the State could not command directly." *Speiser v. Randall,* at 357 U. S. 526 (1958). "Likewise, to condition the availability of privileges upon a claimant's willingness to violate principles of his religion effectively penalizes his free exercise of constitutional rights." *Id*. at 357 U. S. 518. Similar to the denial of exemptions for religious reasons in the present case, "to deny an exemption to claimants who engage in certain forms of speech is, in effect, to penalize them for such speech." *Id.* at 357 U. S. 518.

13. A government policy can survive strict scrutiny only if it advances "interests of the highest order" and is narrowly tailored to achieve those interests. Lukumi, 508 U. S., at 546 (internal quotation marks omitted).

14. Very importantly, it is established in strict scrutiny jurisprudence that "a law cannot be regarded as protecting an interest 'of the highest order' ... when it leaves appreciable damage to that supposedly vital interest unprohibited." *Florida Star* v. *B.* J. *F., supra,* at 541-542 (SCALIA, J., concurring in part and concurring in judgment). See *Simon* & *Schuster, Inc.* v. *Members of* N. *Y. State Crime Victims Bd.,* 502 U. S. 105, 119-120 (1991). The very existence of the abovementioned secular exemptions, as described at South Carolina §§ 56-1-30(3), 56-3-120 (1), and 56-3-180, acts to leave "appreciable damage unprohibited" as to any purported requirements that all persons driving upon the State's public roads must use or have a state drivers license and vehicle registration.

15. "Put another way, so long as the government can achieve its interests in a manner that does not burden religion, it must do so." See *Fulton v. City Of Philadelphia*, 593 U.S. at 13.

16. SCDMV issuing Me drivers license and vehicle registration documents that show My true and correct name, in its proper case and capitalization, would be a sufficiently narrow tailoring to achieve the state's interests, accommodate Me request for religious accommodation, and would not result in any great burden to the state.

17. Alternate to issuing Me documents as requested at "16" above, SCDMV has authority to exempt Me from the requirements of South Carolina §§ 56-1-20 and 56-3-110. (See also South Carolina § 1-32-

60 (D)).

18. Me being allowed to drive for 90 days per year on the public roads, as offered for secular reasons under § 56-1-30(3); and under permit rather than registration, as offered for secular reasons under §§ 56-3-120 (1) and 56-3-180, is FAR less restrictive than being barred from any and all use of the public roads by SCDMV.

Twice, SCDMV has failed to "demonstrate" in refusing accommodation to Me, and has allowed My rights to continue to be severely burdened by an unjust travel ban and persistent prosecution. The constant prosecution by other state agencies is, in and of itself, a substantial burden.

The burden of proof is on SCDMV to prove **both**, (1) that it had a Constitutionally genuine compelling state interest in demanding that I not use the public roads, AT ALL, unless I accept and use a state issued driver's license and vehicle registration, **and** (2) that the means of regulation the SCDMV was imposing on Me are the least restrictive means available under the law. SCDMV's failure to prove **either** (1) a Constitutionally genuine compelling state interest, **or** (2) that SCDMV is regulating My use of the public's roads through the least restrictive means available required that SCDMV accommodate My religious practices.

Importantly, even if SCDMV argues that it has some general, high-level compelling interest in not accommodating My religious beliefs and practices, the compelling interest test and strict scrutiny require more. In a strict scrutiny analysis, government cannot merely claim a compelling interest at a high level of generality, because the "compelling interest test under the First Amendment demands a more precise analysis." See Gonzales v. O Centro Espírita Beneficente União do Vegetal, 546 U. S. 418, 430–432 (2006) (discussing the compelling interest test applied in Sherbert and Wisconsin v. Yoder, 406 U. S. 205 (1972)); see *Fulton v. City Of Philadelphia*, 593 U.S. at 14 (2021). Rather than rely on "broadly formulated interests," courts must "scrutinize[] the asserted harm of granting specific exemptions to particular religious claimants." O Centro, 546 U. S., at 431.

The question, then, is not whether SCDMV has a compelling state interest in enforcing these laws generally, but whether SCDMV has such an interest in denying an exemption to Me individually. As I have explained via multiple writings to SCDMV, I am very competent to drive, having previously been licensed for more than 25 years and having had only one driving accident during that time. I am not frequently ticketed for moving violations, and I do not use drugs or drink alcohol. Once properly narrowed, the SCDMV's asserted interests are insufficient to satisfy a compelling interest under strict scrutiny.

Again, I am requesting that SCDMV issue Me drivers license and vehicle registration documents that show My true and correct name, in its proper case and capitalization, OR that SCDMV allow Me exemptions from the requirement that I use those documents, while

acknowledging My right to full access to drive upon the state's public roads, for at least 90 days a year.

I ask that You take time to review this request above before making a flippant decision, as SCDMV Officials have done in the past. I realize that it may be tempting to "double down" and defend the previous wrongdoings done by SCDMV, but I must say that I have lived My entire life under these laws, and there is no SCDMV's violations will stand. This should be about mitigation of harm to a citizen and ensuring that I am not further oppressed by state agencies. **Your refusal, denial, or failure to answer this request signals Your acceptance, on behalf of SCDMV, of fault, agreement to suit, and liability for injunctive relief and monetary damages that result from SCDMV's unlawful denial of accommodation.**

I trust that You are able to handle this issue in a "semi private" and professional manner. It is a shame that, due to SCDMV's prior decision and inaction, I have had to disclose so much of My personal religious beliefs and life choices, while being shamed by SCDMV. I have been forced from My privacy by the SCDMV's persecution of My religious beliefs, and will seek damages for defamation if My reputation and good name is further abused by SCDMV or its subordinate agencies, agents, employees, or any others over which SCDMV exercises authority and control.

Please respond within 14 days, or SCDMV will be considered to have denied this request for a second time, and to have agreed to My taking legal action against SCDMV in the federal district court for South Carolina. I have been requesting accommodation for 2 years, and any further delay constitutes continued substantial burden on My free exercise of religion, as well as My rights to liberty and property.

Sincerely,

Johnathan Daniels

On Friday, November 4, 2022 at 04:24:07 PM EDT, J Snickette <chesssetbyj@yahoo.com> wrote:

Mr. Shwedo,

FYI, your SCDMV has responded denying religious accommodations as were requested. You are hereby notified that a violation of constitutionally protected rights has occurred in this matter.

Sincerely,
J. Daniels

On Tuesday, October 4, 2022 at 02:29:04 PM EDT, J Snickette <chesssetbyj@yahoo.com> wrote:

Ms. Duncan,

I received SCDMVs response today. Thank you for documenting your position. I obviously disagree. I thought you all would actually read the request. It seems your intern forgot to even address the grounds I cited for eligibility for accommodation.

I was trying to save us the trouble and waste is all.I will be in touch.

Thanks,
Johnathan

On Monday, September 12, 2022 at 02:22:23 PM EDT, J Snickette <chesssetbyj@yahoo.com> wrote:

Hello Ms. Duncan,

Because the response from SCDMV seems so far from what the law requires, I thought I would try to help resolve this issue by clarifying that my first letter stated that I was not taking the position of a sovereign citizen in dealing with the SCDMV, that I DID pay taxes and fees, and that I was requesting exemptions allowed by the laws of the state.

No one reads anymore it seems. How can I write to request accommodation if the request won't be read? As the opportunity to cure the default comes to a close, I sincerely hope that SCDMV does what is right and lawful.

Regards,

Johnathan Daniels

On Monday, August 29, 2022 at 06:33:52 PM EDT, J Snickette <chesssetbyj@yahoo.com> wrote:

Ms. Duncan

Great to hear from you. However, at this point, I find it totally unacceptable that I have not heard from SCDMV all summer long, and now the first response more than 2 months later, says that SCDMV did not respond because they did not have information that was clearly given in the first request, as well as the 2nd.

The information that you are referring to WAS included in, both, the cover letter and section "D" of the documents, labeled as "Conclusion", and reads:

COVER LETTER: "I sincerely believe that my position on the matter is valid, and I ask for your help in resolving these issues. Please review the attached memorandum and attached documents. I am requesting that (1) I be exempted from the requirement to obtain a drivers license in a manner similar to that allowed under South Carolina Section 56-1-30(3), (2) that I be extended a special permit status as allowed under South Carolina Section 56-3-180, and (3) that SCDMV provide me with documentation recommending that state agencies dismiss pending no drivers license and no vehicle registration charges against me; or that SCDMV take other action reasonably calculated to achieve the same. I ask that SCDMV respond, denying or granting my request for accommodation within 21 days of its receipt of this request, after which, lacking a response, I will consider the request granted."

SECTION D. CONCLUSION: "In light of the above, Mr. Daniels respectfully requests that SCDMV recognize Mr. Daniels' rights to exemption and issue either papers or system entries informing appropriate state officials that while living in South Carolina, (1) Mr. Daniels must be exempted from the requirement to obtain a drivers license in a manner similar to that allowed under South Carolina SECTION 56-1-30(3), (2) that Mr. Daniels must be extended a special permit status as allowed under South Carolina Section 56-3-180, and (3) that SCDMV provide Mr. Daniels documentation recommending that state agencies dismiss pending no drivers license and no vehicle registration charges against Mr. Daniels; **or that SCDMV take other action reasonably calculated to achieve the requested results, while ensuring and protecting Mr. Daniels' rights.**

Please contact Mr. Daniels at the email address provided if SCDMV requires Mr. Daniels' identifying information, which it cannot glean from the documents provided. Surely, the reader must recognize that "sovereign citizens" do not willingly pay taxes and request exemptions provided within the framework of the states' laws. Your help in this matter is much needed."

Further, as I conditioned in the cover letter sent with the first request, "I ask that SCDMV respond, denying or granting my request for accommodation within 21 days of its receipt of this request, after which, lacking a response, I will consider the request granted."

My constitutionally protected substantive rights are being, and have been, trampled. I expect that this issue be resolved ASAP. I put a lot of time and attention into my very valid notice and request for accommodation, making sure that all elements needed were included; **therefore, I DO NOT agree to any extension of time for SCDMV to "evaluate your [my] request for religious accommodation and the law surrounding the same."** I consider the matter of

SCDMV's agreement to my requests to have already been resolved through its acknowledged receipt of my requests and it's choice to not respond. Please take action that will result in SCDMV speedily curing its default by immediately providing the requested accommodations and documents as requested.

Regards,

Johnathan Daniels

On Monday, August 29, 2022 at 02:51:57 PM EDT, Duncan, Brandy A <brandy.duncan@scdmv.net> wrote:

Mr. Daniels,

I am currently in a meeting and do not have your documents in front of me. If I am recalling correctly, however, neither of your correspondences listed below discussed what kind of accommodation you are requesting. The SCDMV cannot evaluate your request for religious accommodation and the law surrounding the same without you telling us what kind of accommodation you are requesting.

Thanks,

Brandy A. Duncan
General Counsel
South Carolina Department of Motor Vehicles
P.O. Box 1498
Blythewood, SC 29016

From: J Snickette <chesssetbyj@yahoo.com>
Sent: Monday, August 29, 2022 2:36:35 PM
To: Shwedo, Kevin A <Kevin.Shwedo@scdmv.net>
Cc: Duncan, Brandy A <Brandy.Duncan@scdmv.net>
Subject: Notice of Default - Re: Daniels Request for Religious Accommodation

You don't often get email from chesssetbyj@yahoo.com. Learn why this is important

CAUTION: EXTERNAL EMAIL! Ensure you trust this sender and validate attachments or links before opening them.

Hello Mr. Shwedo,

I am emailing this to directly you, as it concerns a serious matter that must be addressed ASAP. I am sincerely hoping that SCDMV will address this matter promptly. Please read the details re: Notice of Default below. A written copy of the Notice of Default was sent to your office on August 23rd, 2022 .

August 21, 2022

From: Johnathan Daniels

P.O. Box 30651

Columbia, South Carolina 29230

To: SCDMV

ATTN: Kevin Shwedo, Executive Director

PO Box 1498

Blythewood, SC 29016

RE: NOTICE OF DEFAULT - RE: NONRESPONSE TO NOTICE AND REQUEST FOR ACCOMODATION

Greetings Mr. Shwedo,

On June 17th, 2022, I wrote to you directly as Executive Officer of SCDMV, and to Brandy Duncan as General Counsel for SCDMV, requesting religious accommodation and providing notice and proof of undue burden to my religious practices and beliefs. I am writing to inform you that, due to no response received on behalf of SCDMV, SCDMV has defaulted on the matter presented in my previous request to your office. More than 60 days have passed with no response from SCDMV, and I have been severely restricted in my use of the public roads of South Carolina for nearly the entirety of the summer, having canceled family vacations and other trips to the beaches in South Carolina, among other things.

SCDMV is hereby notified of its default and given 21 days to cure the default by providing the legally required accommodations in response to the previously sent request for religious accommodation. Further, SCDMV is hereby notified that, should SCDMV fail to cure its default within 21 days from the date of the written Notice of Default (mailed on August 23, 2022, received by SCDMV on August 24, 2022) a complaint will be filed in the U.S. District Court For South Carolina, or other properly authorized court, demanding the accommodations previously requested and further relief.

I intend no disrespect Sir, but I must defend my constitutionally protected rights, because no one in charge seems to be too concerned. I am very disappointed, as I have contacted your office by letter, phone, and email with no response from you, or anyone acting on behalf of SCDMV. FYI, the June 17, 2022 written request for accommodation was sent via USPS with tracking number 9505 5117 6047 2168 6477 38, and an additional copy was addressed to Brandy Duncan, General Counsel for SCDMV. I have resent the original request - with proofs, along with the written Notice of Default to your office and to Ms. Duncan's as well (USPS #70210950000125165347, received by SCDMV on August 24th, 2022).

Sincerely,

Johnathan Daniels

Email: Chesssetbyj@yahoo.com

Visit http://www.scdmvonline.com/Driver-Services/Drivers-License/REAL-ID for more information on REAL ID.

Henry McMaster
Governor

Kevin A. Shwedo
Executive Director

State of South Carolina

Department of Motor Vehicles

August 31, 2022

Johnathan Martia Daniels
P. O. Box 30551
Columbia, South Carolina 29230

SCDMV Customer # 34737997

RE: Recent Contact Regarding "NOTICE AND REQUEST FOR ACCOMODATION"

Dear Mr. Daniels,

Your documents have been received by the South Carolina Department of Motor Vehicles (SCDMV). To start, it would require volumes to address every legal issue raised by your documentation. Many of the concepts referenced in your documents are inaccurate, if not flatly incorrect, understandings of the law. The following is offered as a helpful summary:

(1) If you operate a motor vehicle on a South Carolina highway (roadway, etc...), you are subject to all state and local laws regulating the operation of motor vehicles, such as the requirements of holding a driver's license, registering your vehicle (license plate), obeying traffic laws, paying fines and fees if you are found guilty of disobeying traffic laws, and purchasing/maintaining insurance as required by law. These requirements do not depend upon a person's nationality, residency, or religious beliefs.

(2) The federal constitution does not prevent state and local regulation of public highways (roadways, etc…). The state constitution empowers the South Carolina legislature to regulate behavior, including driving.

Your correspondence seems to be concerned with SCDMV's authority to compel you to title and register your vehicle. This authority does not stem from an ownership interest in your vehicle, but rather from the state's power to regulate behavior known as the police power. When you purchase an automobile, you must obtain or transfer title to it. S.C. Code §§56-19-210 and -230. Further, registration fees ensure that vehicle owners are paying their fair share for the maintenance of the public highway system. You may keep your car in your garage or driveway without registering it; however, when you use public roads, you must contribute to the upkeep of the public highway

system by registering your vehicle. S.C. Code §56-3-110. Therefore, while titling and registering your vehicle may seem to you to be in tension with your exclusive ownership of your vehicle and your purported religious beliefs, the law requires these steps if you wish to drive your vehicle on public highways. For these reasons, SCDMV strongly encourages you to properly title and register your vehicle if you wish to continue driving on public highways in South Carolina. Additionally, please note that the proper titling of your vehicle in South Carolina is a protection to you as an individual person to ensure that another person does not take physical possession of your vehicle and then, somehow, obtain title to the same, e.g. it helps ensure you maintain legal and physical possession of your vehicle.

Your documentation also appears to raise issues relating to your belief that your purported religious beliefs exempt you from complying with South Carolina laws that require all persons operating vehicles on South Carolina roadways to be properly licensed unless they fall within one of the limited circumstances set forth in S.C. Code §56-1-30. They do not. The laws at issue are written for secular purposes and their primary purpose is not to advance or inhibit any religion, but rather to ensure the safe operation of vehicles upon the roadways of South Carolina. Additionally, of particular interest is the fact that you applied for and still currently hold a South Carolina identification card (issued May 15, 2019). You applying for and still holding a South Carolina identification card appears to fully undermine your purported religious beliefs regarding obtaining a South Carolina driver's license since the requirements to obtain these credentials are virtual identical for people that have at least 180 days of prior driving experience.

Assuming you elect to stay in South Carolina, you will have to obey all of South Carolina's traffic laws, regardless of what letters you write to this agency or other documentation you provide to SCDMV. That includes not driving until your vehicle is properly registered and you are issued a driver's license as set forth in State law.

Please note that SCDMV is a government agency, funded by you and your neighbors through state taxes. The purported legal claims against this agency, its employees, and/or Executive Director Shwedo contained in your correspondence are nonsense and responses such as this letter require valuable staff time and resources. SCDMV considers all constituent correspondence, but will not reply to similar frivolous letters from you in the future.

Sincerely,

Office of General Counsel

Re: Your FOIA request

From: J Snickette (chesssetbyj@yahoo.com)

To: dmvcommunications@scdmv.net

Date: Tuesday, March 19, 2024 at 10:26 PM EDT

Thank You, but I consider the request unanswered. My FOIA request specified drivers licenses...not ID's. Please send a written response to My request to the return address at: PO BOX 30651, Columbia, SC 29230.

> On Tuesday, March 19, 2024 at 11:45:20 AM EDT, DMV Communications <dmvcommunications@scdmv.net> wrote:
>
> Dear sir,
>
> After a check of statues and policies, the agency has uncovered no specific requirement on the use of capital letters on ID credentials in South Carolina.
>
> It is, however, the standard setting to use all capital letters on the SCDMV's network computer system that is used in headquarters and all branch offices.
>
> This completes your FOIA request.
>
> **Thanks,**
>
> **DMV Communications**
>
> **South Carolina**
> **Department of Motor Vehicles**
> P.O. Box 1498
>
> Blythewood, SC 29016
>
> Visit http://www.scdmvonline.com/Driver-Services/Drivers-License/REAL-ID for more information on REAL ID.